

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

---

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	CASE NO. CR19-00159-RSL
	)	
v.	)	Seattle, Washington
	)	
PAIGE A. THOMPSON,	)	June 7, 2022
	)	9:20 a.m.
Defendant.	)	
	)	JURY TRIAL, Vol. 1 of 9

---

VERBATIM REPORT OF PROCEEDINGS  
BEFORE THE HONORABLE ROBERT S. LASNIK  
UNITED STATES DISTRICT JUDGE

---

APPEARANCES:

For the Plaintiff:	ANDREW C. FRIEDMAN JESSICA M. MANCA TANIA M. CULBERTSON United States Attorney's Office 700 Stewart Street, Suite 5220 Seattle, WA 98101
For the Defendant:	MOHAMMAD ALI HAMOUDI NANCY TENNEY Federal Public Defender's Office 1601 5th Avenue, Suite 700 Seattle, WA 98101
	BRIAN E. KLEIN MELISSA A. MEISTER Waymaker LLP 515 S Flower Street, Suite 3500 Los Angeles, CA 90071
Reported by:	Nancy L. Bauer, CRR, RPR Official Federal Court Reporter 700 Stewart Street, Suite 17205 Seattle, WA 98101 nancy_bauer@wawd.uscourts.gov

PROCEEDINGS

THE FOLLOWING PROCEEDINGS WERE HELD  
OUTSIDE THE PRESENCE OF THE JURY POOL:

THE CLERK: We're commencing a jury trial in the  
matter of the United States versus Paige Thompson, Cause No.  
CR19-159, assigned to this court.

Counsel, please make your appearances for the record.

MR. FRIEDMAN: Good morning, Your Honor. Andrew  
Friedman, Jessica Manca, and Tania Culbertson for the United  
States, and with us at counsel table is Special Agent Joel  
Martini from the FBI.

THE COURT: Welcome. Thank you.

MR. HAMOUDI: Good morning, Your Honor. Mo Hamoudi  
and Brian Klein, and Stacey Brownstein and Luz Vargas is here on  
behalf of Ms. Thompson, who is here as well.

THE COURT: And you have some attorneys in the front  
row. Are they going to be in the front row?

MR. HAMOUDI: Yes, Your Honor. Joining us is  
Ms. Meister and Ms. Stierwalt, Ms. Tenney, and we have some law  
clerks and Mr. Sanders and Ms. Ponikvar, just for the voir dire  
session, but not throughout the trial.

THE COURT: And, of course, we probably don't want  
them right there, just because it affects the line of sight for  
the jurors during jury selection.

MR. HAMOUDI: We can make arrangements, Your Honor.

1 THE COURT: Yeah. I'm trying to social distance as  
2 much as we can in the courtroom. So I think the whole back row  
3 is probably externs and things like that. Give yourself some  
4 space, is what I'm saying.

5 MR. HAMOUDI: We'll do that, Your Honor.

6 THE COURT: All right.

7 So I think what I'll do, when we bring the jurors in, I'll  
8 say something very general about the case, and then I will  
9 introduce Mr. Friedman to introduce his counsel and the special  
10 agent, and then, Mr. Hamoudi, for you to introduce yourself and  
11 whoever else you want, and -- of course, Ms. Thompson, and  
12 whoever else you want.

13 So, Victoria, we're bringing in Jurors 1 through what?

14 THE CLERK: 1 through 30.

15 THE COURT: And just a quick look through here.

16 Juror No. 4 indicated that it would have an impact on  
17 fairness.

18 Juror No. 5 didn't get the same form, Victoria?

19 THE CLERK: I'm not sure.

20 THE COURT: Yeah, because there is no question about  
21 transgender on there. So I might just ask it at the time.

22 And then Juror No. 29 said, "I find the concept of  
23 transgender very confusing." Of course, she's my age, so of  
24 course she finds it confusing. But as long as it's not about  
25 transgender rights, she said she wouldn't have a problem

1 considering the evidence. So I don't think that one is a  
2 problem, but certainly somebody who has a problem, No. 4 in the  
3 morning batch, I think should probably go. And then on the  
4 second batch, No. 53, "I do not believe I'd be able to be fair,  
5 I believe I would show bias," I think we'll probably let both of  
6 those people go.

7 Are you okay with that, Mr. Hamoudi?

8 MR. HAMOUDI: Yes, Your Honor. And I think  
9 Juror No. 9 as well.

10 THE COURT: Did I miss that one? You know, I agree  
11 with you, that, if that's the real answer. Sometimes get  
12 confused. I mean, this person is a registered nurse. I didn't  
13 think that kind of person would have a problem with this. But  
14 I'll ask, and if the answer is truly "yes," I'll truly dismiss.

15 MR. HAMOUDI: And 15, Your Honor, it just says, "It  
16 depends," so I'll let the court inquire.

17 THE COURT: Right. Good enough.

18 MR. HAMOUDI: Thank you, Your Honor.

19 THE COURT: So we've had a lot of motion practice in  
20 the last few days over terminology and things like that, and  
21 we're not going to deal with those things before jury selection.

22 But you've got to be realistic. If this were a case  
23 involving the Spanish language, we'd have interpreters, and  
24 interpreters would tell us what the words mean.

25 For some people, this case is going to be in a foreign

1 language. There are terms that they may have heard, but they  
2 have no idea what it means; there are terms they may never have  
3 heard, and they have no idea what it means; and then there will  
4 be some people who have familiarity with some of the concepts  
5 but not all of them; and then there will be some who are truly  
6 tech people who understand everything.

7 And so walking this fine line is going to be a difficult  
8 job for a trial judge. And my tendency, in approaching this, is  
9 going to be to let people talk and use terminology, and not get  
10 hung up on hacking is too prejudicial or cyberhacking is too  
11 prejudicial or crypto-this is too prejudicial.

12 You know, people use terminology all the time. They say,  
13 "Yes, we got robbed last night. Somebody got into our garage  
14 and took things." Well, you know what? That's not a robbery;  
15 that's a burglary or it's a theft. Nobody cares.

16 Let them use the terms that they're used to using, and when  
17 it comes time for jury instructions, we'll instruct on what the  
18 legal terms mean. But I don't want to tie people's hands from  
19 using the kind of language that Ms. Thompson used herself in all  
20 these text messages and things like that.

21 So that's where we're going to err on the side of  
22 explaining it to people and not tying people's hands about, "Oh,  
23 I've got to watch out about what I say about this or that, or  
24 I'll be in violation of a court order. "

25 Now, that's also going to be why I allow a little more

1 leeway for the government's experts to put things in context. I  
2 mean, I just started list: cloud computing, misconfigured web  
3 application firewalls, cryptocurrency, scalability, identity and  
4 access management, IAM Roles, metadata services, hypervisor,  
5 reverse proxy, server-side request forgery, Linux, doxing,  
6 GitHub, buckets, Reddit, gists, The Onion Router.

7 This is going to be a challenge for a lot of people, so  
8 we've got to be mindful of the fact that the people who are  
9 going to be sitting in this case are not as tech savvy as some  
10 and have not been living with this case as long as some. Okay?  
11 All right.

12 So we are going to bring up 30, put them in the jury box  
13 and in the -- we decided not to do one side, right? We did the  
14 first few rows, and spread them out. And you've already got  
15 people organized there, but I might ask, again, just maybe the  
16 defender row to push over.

17 MR. HAMOUDI: Yes, Your Honor. Whatever instructions  
18 you have, we'll abide by them. Would you like us to reduce the  
19 number of people up here?

20 THE COURT: At least the ones to the west of  
21 Ms. Tenney.

22 MR. HAMOUDI: Okay.

23 THE COURT: She's okay there, but I'd like to keep the  
24 line of sight open.

25 MR. HAMOUDI: Okay. Thank you, Your Honor.

1 THE COURT: Great. Thank you.

2 Anything else before Victoria brings the jurors up? All  
3 right. Let's bring the jurors in, and we'll see where we have  
4 openings for some of our defender interns to get seated;  
5 otherwise, we'll kick people out, starting with Coughenour  
6 interns.

7 All right. So I'll get off the bench for a few minutes  
8 while you do this, so you have time, and then when you're all  
9 set up, give me a call.

10 Great. Thanks.

11 (Court in recess 9:22 a.m. to 9:27 a.m.)

12 THE FOLLOWING PROCEEDINGS WERE HELD  
13 IN THE PRESENCE OF THE JURY POOL:

14 JURY VOIR DIRE

15 THE COURT: Good morning. Thank you. Please be  
16 seated.

17 My name is Robert Lasnik. I'm a United States District  
18 Court judge here in Seattle. I've been wearing the black for 32  
19 years, first as a King County Superior Court judge in the state  
20 system, and since 1998 as a United States District Court judge.

21 I'm used to wearing the black. I am not used to wearing  
22 the white. The masks are awful to me, but we've got to keep  
23 ourselves safe, and so I'm going to require people in the  
24 courtroom to wear masks.

25 When you're actually speaking, if you want to drop your

1 mask, that's okay. But this whole COVID overlay makes it more  
2 different and difficult to pick a jury. Normally, I'd have 50  
3 people in here, and we'd do the questioning once, and get our  
4 jury, but we've had to break it up into two. And we've had to  
5 ask you some private questions about vaccinations and things  
6 like that, but we're going to do the best we can to do what we  
7 need to do in order to have a fair trial here today in this  
8 criminal case, the United States of America versus Paige  
9 Thompson.

10 The United States is represented by a number of Assistant  
11 United States Attorneys, and I'm going to introduce and ask  
12 Andrew Friedman to introduce himself, his co-counsel, and the  
13 government agent who will be assisting them at counsel table.

14 Mr. Friedman?

15 MR. FRIEDMAN: Good morning. My name is Andrew  
16 Friedman, and I'm a federal prosecutor. With me at counsel  
17 table are Jessica Manca and Tania Culbertson, who are also  
18 prosecutors in this case. Also with us is Special Agent Joel  
19 Martini from the FBI.

20 THE COURT: Okay. Thank you.

21 Now, I like to give a little dig to the special agents with  
22 the FBI, because they're all entitled "special agents," which  
23 means none of them is really special. It's like soccer, you  
24 know, where everyone gets a trophy. But that's just a title, so  
25 we'll refer to him as his proper title, "special agent."



1 Paige Thompson is at counsel table and is represented by a  
2 number of lawyers. I'm going to ask Mo Hamoudi, from the  
3 Federal Public Defender's Office, to introduce himself, to  
4 introduce Ms. Thompson and his co-counsel.

5 MR. HAMOUDI: Good morning, everyone. I'm Mo Hamoudi,  
6 and this is Paige, and this is my colleague, Mr. Brian Klein.  
7 I'm also joined at counsel table by our investigator, Stacey  
8 Brownstein, and our paralegal, Luz Vargas. And we have  
9 colleagues here as well -- they're all attorneys -- Nancy  
10 Tenney, Emily Stierwalt, and Melissa Meister.

11 THE COURT: All right. Now, we're going to ask you a  
12 series of questions that go to your qualifications to be jurors  
13 in this case. But before you answer any of those questions, I  
14 need you all to stand, raise your right hand, and listen to the  
15 oath that my courtroom deputy, Victoria, will read to you. So  
16 everybody please stand and raise your right hand.

17 (The jury panel is sworn.)

18 THE COURT: All right. Everyone affirmed that they  
19 do. Thank you.

20 Okay. A couple of years ago -- a couple of months in 2019,  
21 pre-pandemic, you may have recalled hearing about the fact that  
22 someone got into the Capital One computers and was able to  
23 access, like, 100 million personal information files, some  
24 including social security numbers, some including other  
25 identifiable information. That's what this case is about.

1 And the United States has charged Paige Thompson with being  
2 the individual who accessed that personal information, and she's  
3 charged with a number of crimes related to that and related to  
4 other acts of accessing data in a system that is run by Amazon  
5 Web Services, AWS, which involves cloud computing.

6 Now, some of you are super techie and will understand a lot  
7 of this case, and some of you are going to be like me, you know,  
8 saying, "Oh, come on, what are you talking about?" So we're  
9 going to try do things slowly and define things for you. But  
10 it's going to be a challenge, and there's no doubt about it,  
11 because it is a language that not all of us use on an everyday  
12 basis.

13 But I just wanted to give you that general background.  
14 That's why we're going to be asking some of the questions that  
15 we're going to be asking.

16 Now, one of the items that was in the questionnaire that  
17 you filled out, although for some reason, it was not in the  
18 questionnaire of Mr. XXXXXXXXXXXX, Juror No. 4.

19 Yeah, you didn't get the question about -- well, maybe you  
20 did. You said that you could not be fair to Ms. Thompson as a  
21 transgender person. Is that based on religious beliefs?

22 JUROR NO. 4: Yes, sir.

23 THE COURT: I'll excuse you, then. Thank you so much  
24 for being so candid with us. You may go back to the jury room  
25 on the first floor.

1 And then Juror No. 5, Mr. XXXXXXXXX, you didn't get the  
2 question for some reason. Your questionnaire didn't ask that.  
3 Would you have any difficulty being fair and impartial and  
4 reaching a verdict if you understood that Ms. Thompson was a  
5 transgender person?

6 JUROR NO. 5: No, I would not.

7 THE COURT: Okay. Thank you.

8 THE COURT: And Juror No. 15, Mr. XXXXXXXXXX.

9 JUROR NO. 15: Yes?

10 THE COURT: You said, "It depends." Could you be a  
11 little more...

12 JUROR NO. 15: Yeah. Growing up, I was raised in a  
13 really religious home, and I have engrained Catholic beliefs.

14 THE COURT: Another juror wrote, "As a practicing  
15 Catholic, transgender persons are viewed as being out of order  
16 with nature, but we are called upon to be fair and loving to all  
17 people."

18 So, I mean, do you think you could be fair and apply the  
19 law objectively to Ms. Thompson, or would it make you feel, if  
20 she's transgender, "I don't care, she's going to be guilty"?

21 JUROR NO. 15: No. She's human. I believe in human  
22 rights, but I do have underlying Catholic beliefs.

23 THE COURT: You don't have to approve of someone being  
24 transgender, as long as you can be fair and impartial. Can you  
25 be fair and impartial here?

1 JUROR NO. 15: I believe I can.

2 THE COURT: All right. That's what I need to know for  
3 now. Thank you. Counsel will have more questions in that area.

4 And then Juror No. 29, Ms. XXXX? You're my age, so you're,  
5 like, "This whole thing with transgender is so confusing,"  
6 right? "When we were in elementary school, there were no  
7 transgender people." Yeah, there were, but they weren't out and  
8 we didn't know any.

9 Again, we're not asking you to approve of the lifestyle,  
10 but could you treat Ms. Thompson fairly and impartially, despite  
11 your confusion about transgender?

12 JUROR NO. 29: Yes. Because it is a criminal case,  
13 you know, what I would have trouble with is if it was like those  
14 cases with transgender folks that are males that want to be on a  
15 female swim team, and I, basically, would have trouble with that  
16 because of the physical qualities.

17 THE COURT: I have trouble with that, too, you know,  
18 and I'd have to be fair and impartial with that, but this has  
19 nothing to do with that.

20 JUROR NO. 29: Right.

21 THE COURT: Yeah, it's a challenge sometimes for us to  
22 put our heads around things that we never had to deal with. But  
23 it's important, in general, to be fair and impartial to  
24 everyone, and in this case, specifically, it is essential that  
25 everyone can be fair and impartial to Ms. Thompson, because the

1 case has nothing to do with transgender issues or transgender  
2 rights.

3 Is there anyone who recalls reading or hearing about the  
4 Capital One hack -- and I use that term in a generic sense --  
5 and the personal, private information of 100 million people had  
6 been accessed by someone? Juror No. 7?

7 JUROR NO. 7: I just read the headlines.

8 THE COURT: You remember seeing a headline about it?

9 JUROR NO. 7: Yes.

10 THE COURT: And Juror No. 20?

11 JUROR NO. 20: Same.

12 THE COURT: Okay. Does anybody actually have a  
13 "what's in your wallet" Capital One credit card and was  
14 contacted by them that there'd been a breach? It would be okay  
15 if you did, as long as you weren't going to be unfair.

16 How many of you have ever had your personal identity stolen  
17 in the sense of your bank said, Hey, somebody did something or  
18 tried to access your account? My son got a \$900,000 deduction  
19 from his bank account the other day. He was able to get it  
20 straightened out, but, you know, it happens to lots of people.

21 Can I see a show of hands if you've ever been in that  
22 situation where somebody accessed your information?

23 Juror No. 6, Juror No. 9, No. 14, 18, 17, 18, 20, 23, 24,  
24 27, 26, 29, 30, 28 and 21.

25 Okay. Great.

1           How many of you have ever served on a criminal jury before  
2           in prior jury service?

3           Jurors 14, 26, and 29.

4           How about civil case previously? 23. Okay. And No. 1.  
5           Sorry. I missed you there.

6           All right. So this case, we believe we can do it in --  
7           today is June 7th. I would like a commitment for people to be  
8           here through three weeks from today, so Tuesday, June 28th.  
9           Now, I believe we will do this case faster than that. I have a  
10          reputation for moving people along quickly, and so I think we  
11          have a good shot at being out in two weeks rather than three  
12          weeks, but you never know what could happen to slow us down.  
13          And then there's also time to deliberate and reach a verdict.  
14          So I'll need a commitment through Tuesday, June 28th.

15          Now, before I ask who has an issue or a problem with that,  
16          let me just do a little speech that I sometimes do.

17          You know, your government comes calling for your money a  
18          lot, but it doesn't come calling for your time and for your  
19          common sense and for your service. It does sometimes in times  
20          of war, but even now we don't have a draft. We have a volunteer  
21          army.

22          But jury duty is the one time you're asked as an American  
23          citizen to dedicate a few days or weeks to putting meaning into  
24          the concepts of the presumption of innocence. Ms. Thompson sits  
25          there presumed innocent. The concept of proof beyond a

1 reasonable doubt, the government bears the burden of proving  
2 each element of the crime beyond a reasonable doubt.

3 And to make sure that fairness is done, the government  
4 can't just come in and say, "We think you did it. You're going  
5 to be punished. Judge, do it on our say-so." And the  
6 government also is not in a position to say, "Judge, you're a  
7 smart guy. You've been to law school. You've been a judge.  
8 You try the case." No. She has an absolute right to a jury of  
9 her peers deciding the question of guilt or innocence.

10 So I understand that some people may have nonrefundable  
11 tickets for a vacation, they may have a business meeting that's  
12 been planned that can't be done by Zoom, although there are  
13 fewer and fewer of those, aren't there?

14 I really want you to think this jury duty is not an  
15 inconvenience, it is an opportunity for you to be part of what  
16 makes this country so great. And we've seen our institutions of  
17 democracy be threatened in ways that never have I seen it  
18 before. But in this circumstance, you have an opportunity to be  
19 part of one of the institutions of our democratic society that  
20 separates it out from almost every other country in the world.  
21 So I ask you to not look at this as some sort of pain in the  
22 neck, but look at it as the one time where your government comes  
23 asking for your personal service to give meaning to the concept  
24 of freedom and liberty.

25 So having said that, are there any people for whom staying

1 in this case Monday through Friday, through June 28th, it will  
2 be an extreme hardship? 1, 2, 10, 14, 16, 19.

3 THE CLERK: Juror No. 6, Your Honor.

4 THE COURT: And 6. Thanks, Victoria.

5 June 20 is a new federal holiday, Juneteenth, and so the  
6 federal courts will be closed on that day. It looks like you're  
7 surprised to hear that, Mo.

8 MR. HAMOUDI: Yes.

9 THE COURT: I thought maybe it was for Father's Day,  
10 which is the day before, but, no, that's not it.

11 So, again, without me judging, I'm going to just go around  
12 and ask for your reasons. Sometimes people say to me, "Well,  
13 Judge, you know, I have a really important job at Microsoft, and  
14 I have to be there." And I'm, like, "Microsoft, they're in  
15 court all the time taking up my time. You need to be here, and  
16 I'll take up a little bit of your time." Or, "I'm a doctor and  
17 I just can't reschedule people," stuff like that.

18 Yeah, when doctors get sued for malpractice, they sit right  
19 there for the whole trial, and they cancel everything. I'm just  
20 saying I'm not necessarily going to grant these, but I'll listen  
21 to them.

22 Juror No. 1, Ms. XXXXXX?

23 JUROR NO. 1: Well, I've got my grandkids coming next  
24 week, and they're six and eight, and we were planning a little  
25 vacation; otherwise, my husband is going to do it, and I don't



1 think it's going to work out.

2 THE COURT: Okay.

3 JUROR NO. 1: Okay?

4 THE COURT: Got it. Thanks. Let me think on that.

5 Juror No. 2?

6 JUROR NO. 2: I would love to serve, but the next two  
7 weeks are the last two weeks of the quarter. I have classes on  
8 Tuesday and Thursday from 7:30 a.m. to 9:30 a.m.

9 THE COURT: Where do you go to school?

10 JUROR NO. 2: Bellevue College.

11 THE COURT: You'd learn so much more here.

12 JUROR NO. 2: I'd love to serve. I'll talk to my  
13 professor.

14 THE COURT: Okay. Thanks, I appreciate it.

15 Juror No. 6?

16 JUROR NO. 6: I have five children at home, and two  
17 are special needs, and I think I could do it if it wasn't three  
18 weeks. We also have a family trip starting on June 24th, so  
19 three weeks seems a little extra.

20 THE COURT: Okay. Got it.

21 Juror No. 10?

22 JUROR NO. 10: Your Honor, the last couple of years  
23 have been a hardship, with COVID, of course. I'm a retail  
24 optical shop owner, and my staff is gone, so I'm -- it doesn't  
25 run without me. I'll have to be closed for the entire time if

1 I'm in service.

2 THE COURT: Yeah, it's tough to find people now, isn't  
3 it?

4 JUROR NO. 10: It's been rough.

5 THE COURT: Juror No. 14?

6 JUROR NO. 14: I just have vacation scheduled, and it  
7 is considered our prime time, so it's really hard to get  
8 vacation, and it's scheduled for next week.

9 THE COURT: So what you're saying is, the vacation  
10 needs to be now because there's a little bit of a lull in the  
11 work?

12 JUROR NO. 14: No, everyone wants it off, so it's  
13 really hard to get it off during that time. I planned this  
14 months and months in advance, in January.

15 THE COURT: And you're leaving town?

16 JUROR NO. 14: Yes. We are going to the San Juans.

17 THE COURT: Uh-huh. Okay. Thank you.

18 Juror No. 16?

19 JUROR NO. 16: Hi. I've had some very severe stomach  
20 issues going on, and I was finally able to get -- I understand  
21 that you have doctors here in court all the time, but I've  
22 finally been able to get an appointment. I mean, I haven't been  
23 sleeping well because of it, and I just don't think my head  
24 would be in the game.

25 THE COURT: When is that appointment?

1 JUROR NO. 16: It's next Tuesday.

2 THE COURT: What time?

3 JUROR NO. 16: 10:00 in the morning.

4 THE COURT: Okay. Thank you.

5 Juror No. 19?

6 JUROR NO. 19: Your Honor, I'm a middle-school school  
7 counselor and, as you know, there is two weeks left in school,  
8 and there is only two school counselors, me and my co-worker,  
9 serving 700 students, and the last two weeks of school is filled  
10 with activities that, I think, I would be vital to.

11 And, also, on June 30th, I have a planned vacation to visit  
12 my girlfriend in South Korea.

13 THE COURT: Well, we'll be done by June 30th, but the  
14 issue is, really, you've got a lot of kids at the Federal Way  
15 Public Schools who are having issues, aren't they?

16 JUROR NO. 19: Yes, Your Honor.

17 THE COURT: Yep. Okay. We're going to do the jury  
18 selection with everyone here, and then we'll see about where our  
19 numbers are as we go forward.

20 I'll definitely let some of you go, but you came all the  
21 way here, you may as well participate in the jury selection and  
22 see how it works, and we'll take it from there.

23 Have any of you ever been convicted of a crime? Something  
24 like drunk driving, shoplifting, all the way up to more serious  
25 things. Anyone?

1           Anyone have close friends or family members convicted of a  
2 crime?

3           Could you hold up your numbers, please?

4           21, 28, 25 and 19.

5           JUROR NO. 21: I got a driving without incident, I  
6 believe. This was 2003 for driving under the influence.

7           THE COURT: Okay. Is there anything about any of your  
8 prior contact with law enforcement that would make you feel you  
9 couldn't be fair and impartial in this case?

10          JUROR NO. 21: No.

11          THE COURT: Okay. How many of you have ever testified  
12 as a witness in a courtroom? You came in, raised your hand,  
13 taken an oath, and given some testimony in any kind of case,  
14 civil or criminal?

15          Juror No. 27 and Juror No. 1 and Juror No. 9. Thanks.

16          When I say something like web application firewall, how  
17 many of you know what I'm talking about? 2, 5, 6, 8, 10, 15, 20  
18 through 25, 26 and 29.

19          How about The Onion Router? Okay.

20          Reverse proxy? All right.

21          I'm just trying to get a gauge for where we are with some  
22 of the language that we're going to have and how deep into  
23 describing what's happening we're going to have go.

24          Okay. So do any of you feel that you'll have difficulty  
25 being fair to Ms. Thompson and giving her the benefit of the

1 presumption of innocence and the requirement that the government  
2 prove their case beyond a reasonable doubt? All right.

3 So we have a chart up here -- very old-school, not high  
4 tech at all -- that asks your name and residence. If you live  
5 in the city of Seattle, you know, say "Wedgewood" or "West  
6 Seattle." If you live in Blaine, I don't need to know the  
7 neighborhood. I don't even know if Blaine has neighborhoods.

8 Your residence, your occupation, any places in which you've  
9 served as a juror, and what your favorite leisure activities  
10 are. And we're going to go through all 20-something of you.

11 Juror No. 1?

12 JUROR NO. 1: XXXXXXXXXXXXXXXXXXXXXXXX.

13 THE COURT: Yeah, nice Italian name, but sometimes the  
14 "E" gets pronounced, and sometimes it doesn't.

15 JUROR NO. 1: I married into it.

16 THE COURT: Can you stand up?

17 JUROR NO. 1: And I live in Federal Way. I'm a  
18 retired real estate broker. My husband -- it's just my husband  
19 and I in our house, and he's retired. I just served on a  
20 traffic case. My favorite leisure time is taking care of  
21 people's dogs and my grandkids.

22 THE COURT: Great. Thank you.

23 Juror No. 2?

24 JUROR NO. 2: My name is XXXXXXXXXXXXXXXXXXXXXXXX. I  
25 live in Renton. I'm a behavior technician. My husband is a

1 software engineer. I've never served as a juror before. My  
2 favorite leisure activities are reading and studying German.

3 THE COURT: So your father was a police officer. Did  
4 he come home and talk about cases much, or did he leave it at  
5 office?

6 JUROR NO. 2: My mother made him leave it at the  
7 office.

8 THE COURT: Is there anything about knowing that he  
9 was in law enforcement that would make you feel you couldn't be  
10 fair and impartial to the defense in this case?

11 JUROR NO. 2: No. He served most of his time at an  
12 international airport.

13 THE COURT: Okay. Thank you.

14 Juror No. 3, XXXXXXXXXXXXXXXXXXXX.

15 JUROR NO. 3: My name is XXXXXXXXXXXXXXXXXXXX. I  
16 currently live in Lower Queen Anne. I'm a receptionist. I do  
17 work at Amazon. I don't know if that is a problem. I don't  
18 live with anyone else. I've never been a juror before. I like  
19 creative writing.

20 THE COURT: Thank you for telling us about that. Is  
21 there anyone else that works at Amazon? 22 and 27.

22 Amazon is a big company, and they do a lot of things.  
23 Cloud computing is a big part of their revenue and where they  
24 make a lot of money. Amazon is technically not a victim in this  
25 case, but there will be testimony about Amazon Web Services and

1 cloud computing.

2 Do you feel like you can be fair?

3 JUROR NO. 3: I think so.

4 THE COURT: How about Juror 22 and 27?

5 JUROR NO. 22: Yeah. I work on Euro, which is a mesh  
6 Wi-Fi company, so I don't know the technicalities behind all the  
7 matters, but I think I could be fair.

8 THE COURT: Great. And 27?

9 JUROR NO. 27: Yes, I believe I can be fair.

10 THE COURT: Okay. Thanks for letting us know. Great.  
11 Yes, sir?

12 JUROR NO. 5: I'm XXXXXXXXXXXXXXXXXXXX. I live in  
13 Auburn. I'm a project engineer for Blue Origin. I live in  
14 alone. I have not served as a juror before. I enjoy various  
15 outdoors activities, traveling, photography.

16 I have one quick thing to mention: I might have gotten an  
17 email about the breach. It could have been another credit card,  
18 but I do not recall.

19 THE COURT: Okay. If you did, it's not going to  
20 affect your fairness here? And what is Blue Origin?

21 JUROR NO. 5: It is a company that does rockets. We  
22 just launched one this weekend, on Saturday.

23 THE COURT: That's what I thought. I was, like, isn't  
24 that one of the rocket companies? Is that a Jeff Bezos company?

25 JUROR NO. 5: Yes, it is.

1 THE COURT: Victoria, why don't we start a rocket  
2 company?

3 Ms. XXXXX?

4 JUROR NO. 6: XXXXXXXXXXXXXXXX. I live in Redmond.  
5 I'm a homemaker and a homeschool mom and summer school. My  
6 husband works for Microsoft, never for Amazon. I've not ever  
7 been on a jury. I don't have a lot of leisure time, so when I  
8 do, I read.

9 THE COURT: Great. Thank you so much.

10 Ms. XXXXXXXXXXXX?

11 JUROR NO. 7: My name is XXXXXXXXXXXX. I live in  
12 Everett --

13 THE COURT: Could you belt it out?

14 JUROR NO. 7: I'm sorry.

15 THE COURT: Give me your loudest shout voice.

16 JUROR NO. 7: Okay. Start over?

17 THE COURT: Yes, please.

18 JUROR NO. 7: My name is XXXXXXXXXXXX. I live in  
19 Everett. My occupation is human resources. It's just my  
20 husband and I in our home, and he is a structural analysis  
21 engineer at Boeing. I have never served as a juror before, and  
22 my favorite leisure activities are reading and watching family  
23 movies and adventures, and sleeping, when I can.

24 THE COURT: Okay. Thank you very much.

25 Juror No. 8, Mr. XXXXX?



1 JUROR NO. 8: XXXXXXXXXXXX. I live in Bellevue,  
2 Washington. I'm a retired teacher. My wife is a retired urban  
3 planner. I've never served as juror before. My favorite  
4 activities are skiing and hiking.

5 THE COURT: Okay. Thank you very much.  
6 Mr. XX?

7 JUROR NO. 9: XXXXXXXXXXXX. I'm a registered nurse. I  
8 live in Auburn, Washington. I'm married to my wife, who is also  
9 a registered nurse. I've never served as a juror, and I like  
10 doing outdoor things with my wife, like hiking and taking our  
11 dogs out.

12 THE COURT: Now, you also indicated you might have a  
13 problem with Ms. Thompson being transgender?

14 JUROR NO. 9: It was a similar thing as a prior juror  
15 said. I was raised as a Roman Catholic, and I'm constantly  
16 working against this unconscious-bias component. I detest that  
17 part about my religion.

18 THE COURT: This unconscious is something that is  
19 important to consider. You don't necessarily even need to be  
20 aware of, "Oh, I hate those people." It's just you make some  
21 assumptions about those people.

22 Do you think you could be fair to Ms. Thompson here?

23 JUROR NO. 9: I think so. I'd have some difficulty,  
24 but I think so.

25 THE COURT: Thank you for telling us about that. It's

1 important that we think about that long and hard. And part of  
2 the way to deal with unconscious bias is to slow down your  
3 reactions and think it through, and this will be important if  
4 you sit on this jury. Wonderful.

5 Mr. XXXXXXXXX.

6 JUROR NO. 10: Your Honor, my name is XXXXXXXXXXXXX. I  
7 live in Lower Queen Anne. Like I said before, I'm a retail  
8 optical shop owner, self-employed. My partner is a Microsoft  
9 industrial designer. I've never served as a juror, and I enjoy  
10 running and exercise.

11 THE COURT: Okay. Thank you.

12 Mr. XXXXXXXXX?

13 JUROR NO. 11: Good morning. XXXXXXXXXXXXXXXX. I'm an  
14 attorney. I live in Lake Forest Park with my wife. I've never  
15 sat on a jury before. I'm trying to do more leisure activities,  
16 like water skiing, snow skiing, motorcycles, bicycles, and  
17 reading.

18 THE COURT: So what type of law do you practice?

19 JUROR NO. 11: Thirty-nine years of personal-injury  
20 work.

21 THE COURT: Have you ever appeared before Judge  
22 Lasnik?

23 JUROR NO. 11: I came that close.

24 THE COURT: Okay. But you know that he's, like, one  
25 of the finest trial judges?

1 JUROR NO. 11: No question. I came down and watched  
2 many trials to make sure I knew what I was doing.

3 THE COURT: And, Mr. Hamoudi, you agree, right? It  
4 doesn't get any better than Judge Lasnik.

5 MR. HAMOUDI: Best judge in the district.

6 THE COURT: I didn't put him under oath like I did  
7 Mr. XXXXXXXXXX. I knew he was going to say that.

8 So you're a trial lawyer? You get into court? Have you  
9 done a bunch of jury trials?

10 JUROR NO. 11: I did over the years. I don't anymore.

11 THE COURT: Why? Just turning the page?

12 JUROR NO. 11: Many reasons. We could go on a long  
13 time about that one. I'm trying to cut back. I still do  
14 arbitrations.

15 THE COURT: Thank you.

16 Juror No. 12?

17 JUROR NO. 12: Yes. My name is XXXXXXXXXXXXXXXX. I live  
18 here in Seattle, in Queen Anne. My former occupation -- I'm  
19 retired now -- is a horticulturist. I live alone, and I've  
20 never served as a juror. My favorite leisure activities is long  
21 walks in my neighborhood, because it is so beautiful.

22 THE COURT: Are you in Upper Queen Anne?

23 JUROR NO. 12: Halfway down the hill.

24 THE COURT: It's a very nice neighborhood.

25 JUROR NO. 12: It's a good place to live.

1 THE COURT: Mr. XXXXXX?

2 JUROR NO. 13: XXXXXXXXXXXXXXX. I live in Bothell. I'm  
3 a pastor. My wife is a music teacher. My oldest daughter is  
4 18, she works as a childcare worker. I've never served as a  
5 juror. And I enjoy golfing and travel.

6 THE COURT: Great. Thank you.

7 Juror No. 14, Ms. XXXXXX?

8 JUROR NO. 14: I'm XXXXXXXXXXXXXXX, and I live in  
9 Federal Way, Washington. I do CT, or CAT scans, at the  
10 hospital. I live with my boyfriend, who is a garbage man. I  
11 served on a criminal case before, and my favorite leisure  
12 activity is knitting.

13 THE COURT: I wanted to be a garbage man when I was a  
14 kid. I used to watch them come and go when I was growing up in  
15 New York. In those days, they used to pick up the garbage every  
16 day, Monday through Friday. How ridiculous was that, right?  
17 But now aren't they called "sanitation"?

18 JUROR NO. 14: Yes.

19 THE COURT: I love that you say that, "garbage man,"  
20 that's what they are, and there's nothing to be ashamed of at  
21 all.

22 JUROR NO. 15: I'm XXXXXXXXXXXXXXX. I live in Renton,  
23 Washington. I'm a procurement manager. My wife works as a  
24 civil engineer. I've not served on a jury before. My favorite  
25 leisure activity is motorcycles.

1 THE COURT: All right. Thank you.

2 Okay. Out into the audience for XXXXXXXXXX.

3 JUROR NO. 16: XXXXXXXXXXXXXXXX. I live in Seattle.  
4 I'm a lab technician. My husband is an industrial painter. I  
5 was on a jury way back when, in Kent, a domestic violence case.  
6 I just enjoy getting outside.

7 THE COURT: Yeah, great. Thank you. Can everyone see  
8 that? Maybe we should move that so people can see.

9 Juror No. 17?

10 JUROR NO. 17: My name is XXXXXXXXXXXXXXXX. I live in  
11 Renton, Washington. I'm an architect. My husband is an  
12 affordable housing developer. I've never served as a juror. My  
13 favorite leisure activities are Ultimate Frisbee and walking.

14 THE COURT: Thank you.

15 Juror No. 18?

16 JUROR NO. 18: XXXXXXXXXXXXXXXX. I live in Burien. I'm  
17 in furniture assembly. My partner is a teacher. I've never  
18 been on a jury. I like pickleball.

19 THE COURT: Do you do Task Rabbit?

20 JUROR NO. 18: That's some of what I do.

21 THE COURT: See how hip I am? Task Rabbit, I have the  
22 app on my phone.

23 Mr. XXXXXXXXXX?

24 JUROR NO. 19: I'm XXXXXXXXXXXXXXXX. I live in  
25 Kent, Washington. I'm a school counselor. No, I don't live

1 with anybody, never served as a juror, and I like hiking,  
2 watching movies, and watching TV shows.

3 THE COURT: Great.

4 Ms. XXX?

5 JUROR NO. 20: XXXXXXXXXXXX. I live in Sammamish,  
6 Washington. My husband and I are both retired. I've never  
7 served as a juror. I feel I should say that my cousin is a  
8 retired United States Attorney in Eastern Washington, and I love  
9 gardening.

10 THE COURT: Is there anything about having a cousin  
11 who was a U.S. Attorney that would make you lean towards the  
12 government?

13 JUROR NO. 20: No.

14 THE COURT: Okay. Thank you.

15 Juror No. 21?

16 JUROR NO. 21: XXXXXXXXXXXXXXXXXXXX. I live on Capitol  
17 Hill/Central District area. I'm self-employed, own my own  
18 business. My wife works at Fred Hutch as a scientist lab tech  
19 project manager. We have a three-year-old and an 11-month-old.  
20 I've never served as a juror before. My favorite leisure  
21 activities are fishing, hiking, camping, reading, whenever I  
22 find the time to do that with two little kids.

23 THE COURT: It's nice to hear anyone say they enjoy  
24 reading.

25 JUROR NO. 21: Well, reading is good for the brain.

1 THE COURT: Thank you.

2 JUROR NO. 22: XXXXXXXXXXXXX. I live in Mukilteo. I'm  
3 a marketing manager for Amazon. My husband is a director of  
4 operations at Horizon House, an assisted living facility. I've  
5 never been a juror. We like to go camping and skiing.

6 I want to note: I thought the case started on the 28th,  
7 but I am out of town next week, Thursday, Friday, in a wedding  
8 in California.

9 THE COURT: So you're not available next Thursday or  
10 Friday?

11 JUROR NO. 22: No, not on Thursday or Friday.

12 THE COURT: Okay. Juror No. 23?

13 JUROR NO. 23: XXXXXXXXXXXXX. I live in Seattle,  
14 between Ravenna and Maple Leaf. I am retired. My last job was  
15 as a retail sales associate. My husband is also retired. I was  
16 on a civil case as a juror, and my favorite leisure activities  
17 are biking, swimming, sewing, piano.

18 THE COURT: Wonderful.

19 Mr. XXX?

20 JUROR NO. 24: I'm XXXXXXXXXX. I live in Queen Anne.  
21 I'm a scientist at a biotech company. I'm the only one that  
22 works in my home, currently. I have not served on any cases. I  
23 like to rock climb and snowboard.

24 THE COURT: Thank you.

25 Ms. XXXXXX?

1 JUROR NO. 25: I'm XXXXXXXXXXXXXXXX. I live in  
2 Bellevue, Washington. I am a caterer and a full-time student at  
3 Bellevue College. I live with my grandmother, and she's  
4 retired. I've never been a juror before, and I really like  
5 soccer so I have a lot of those participation trophies.

6 THE COURT: Great. Thank you.

7 Mr. XXXXXXXXXXXX?

8 JUROR NO. 26: XXXXXXXXXXXXXXXX. I live in Bothell,  
9 Washington. I work for the City of Seattle as a small business  
10 permit facilitator. My wife works as a constituent relations.  
11 I've been on one jury in a criminal case. I have a two-year-old  
12 at home, so there's not much leisure time.

13 THE COURT: Thank you.

14 Mr. XXX?

15 JUROR NO. 27: My name is XXXXXXXXXXXX, and I live in  
16 Lynnwood, Washington. I'm a business planning manager at  
17 Amazon. I live with my wife and two daughters. My wife is  
18 currently a stay-at-home mom, but she had been in quality  
19 assurance, as well as preschool teacher. I've never been a  
20 juror on a case. My favorite leisure activities are spending  
21 time with my daughter at her soccer matches, and reading  
22 stories.

23 THE COURT: Great. Thank you.

24 JUROR NO. 28: XXXXXXXXXXXX. I'm a real estate agent  
25 and a broker at REMAX Select/One.7. I served in a jury in Kent.



1 My favorite things are being with my grandbabies and traveling  
2 with my husband.

3 THE COURT: And you served on a criminal jury before?  
4 Did you have the experience of actually deliberating and  
5 reaching a verdict?

6 JUROR NO. 28: Yes.

7 THE COURT: Okay. Thank you.

8 Ms. XXXX?

9 JUROR NO. 29: My name is XXXXXXXXXXXX, and I live in  
10 Woodinville. I'm an RN care manager per diem at Overlake  
11 Hospital. My husband is a retired engineer. I did serve on a  
12 jury for domestic violence case. I like to read, and I also  
13 like to gamble.

14 THE COURT: Not too much people admit that.

15 Ms. XXXXXXXX?

16 JUROR NO. 30: Hard to follow that.

17 I'm XXXXXXXXXXXX. I live in Phinney Ridge in Seattle. I'm  
18 a product design director at Square, which is a Block company.  
19 My husband is a stay-at-home dad with our three-year-old and our  
20 ten-month-old. I have not served as a juror before, and I like  
21 to enjoy the outdoors and remodel our house.

22 THE COURT: Phinney Ridge is a nice neighborhood.

23 JUROR NO. 30: Uh-huh.

24 THE COURT: For those of you who don't get up there,  
25 there are lots of nice, little shops.

1 JUROR NO. 30: Yeah, we live right there.

2 THE COURT: Very nice.

3 That's everyone, right? Okay.

4 So I think what we're going to do is give people a bathroom  
5 break. Let's have everyone come back to your same seats. Kind  
6 of look at who is on your left and right. You can leave your  
7 numbers on the seats as long as you remember your numbers.  
8 Please go back to the first-floor jury room. You can use the  
9 restrooms down there. I'd ask everybody to be back here by --  
10 come back -- we're on the 15th floor, Judge Lasnik's courtroom,  
11 so when you get off the elevator, turn west.

12 Don't talk about the case with anyone, but be back at 20  
13 of, and then we will do some questioning of you by the lawyers,  
14 first Mr. Friedman and his team, and then Mr. Hamoudi and his  
15 team, and then we will send you to lunch. Okay?

16 We'll see you all in 20 minutes at 10:40. Thank you.

17 THE FOLLOWING PROCEEDINGS WERE HELD  
18 OUTSIDE THE PRESENCE OF THE JURY:

19 THE COURT: Some of these people who have the  
20 grandkids and the college, I'm going to keep them around. We  
21 can see where our numbers are, and when our numbers are good  
22 enough, I'll let them go, okay, because they've got some good  
23 excuses.

24 We'll be back at 20 of. Thank you.

25 (Court in recess 10:33 a.m. to 10:42 a.m.)

1 THE FOLLOWING PROCEEDINGS WERE HELD  
2 IN THE PRESENCE OF THE JURY POOL:

3  
4 THE COURT: Would you now please give your attention  
5 to Assistant United States Attorney Jessica Manca, and she will  
6 ask questions, and she'll be turning around. It's okay for her  
7 to turn her back to me, because she needs to talk to all of you.

8 Ms. Manca, you have a half hour.

9 MS. MANCA: Thank you, Your Honor. Is it okay if I  
10 move around to the other side?

11 THE COURT: Yes.

12 MS. MANCA: Thank you very much.

13 Thank you all for being here today on this beautiful, sunny  
14 day. We appreciate your time today.

15 As you've heard, the right to a jury trial, and,  
16 specifically, the right to a jury trial is the foundation of our  
17 legal system. So that's the spirit that we're asking these  
18 questions of you, and we appreciate, so much, your willingness  
19 to volunteer the information that will help us get to that  
20 level, being that "I don't know how I feel about this, that, or  
21 the other thing."

22 Can I see a show of hands from people who opened up their  
23 mail and saw the jury summons and thought, yes, a chance to  
24 serve my country. I'm seeing 1, 2, 8.

25 Juror No. 8, can you tell me about that.

1 JUROR NO. 8: I've never served on a jury before, and  
2 I was always curious why, after all these years and decades. So  
3 when I got the letter and it was from the U.S. District Court, I  
4 thought this is kind of interesting because it's not the city,  
5 it's not the county, and I thought that it would be really  
6 interesting to experience this. It's an opportunity to  
7 participate.

8 MS. MANCA: Absolutely. Have you been called to serve  
9 on a jury before?

10 JUROR NO. 8: No.

11 MS. MANCA: First one?

12 You mentioned you are a teacher. Where do you teach, or  
13 are you retired?

14 JUROR NO. 8: I retired from Bellevue High School;  
15 taught in Seattle for almost 20 years, Garfield High School and  
16 K-12 development for the school district for eight years. I  
17 retired in 2018, went back during COVID, and then retired again  
18 the last school year.

19 MS. MANCA: Teaching government?

20 JUROR NO. 8: No. I was responsible for teaching the  
21 American government with the George Lucas Foundation. That's  
22 one of the things I did with the University of Washington, and a  
23 lot of different people implement that.

24 MS. MANCA: You were probably teaching your students  
25 about the importance of the American jury system.

1 JUROR NO. 8: That came out, especially, when we  
2 studied the Magna Carta.

3 MS. MANCA: Thank you very much. I appreciate your  
4 contribution.

5 Juror No. 2, you were talking about your excitement to  
6 serve -- excitement to serve, notwithstanding your college  
7 classes. You said that you were a behavioral technician. Can  
8 you explain what that is?

9 JUROR NO. 2: Yes. I work with young children who  
10 have developmental disabilities who engage in aggression and  
11 injury.

12 MS. MANCA: How do you work with them?

13 JUROR NO. 2: We do one-on-one therapy with them.

14 MS. MANCA: What are you going to school for? It  
15 sounds like you have classes coming up.

16 JUROR NO. 2: As a behavioral technician, your pay  
17 tops out at \$20, \$22 an hour, so I'm going to get my RN.

18 MS. MANCA: Did I see you have some technology  
19 experience?

20 JUROR NO. 2: No, but my husband is a software  
21 engineer.

22 MS. MANCA: And where does your husband work?

23 JUROR NO. 2: He works at Querty, a company in Santa  
24 Barbara, California.

25 MS. MANCA: Is that remote work?

1 JUROR NO. 2: Yes.

2 MS. MANCA: Do you two talk about his job?

3 JUROR NO. 2: Sometimes, but he, basically, makes it  
4 possible for people to pay their rent online.

5 MS. MANCA: All right. Thank you.

6 Did I get everyone?

7 The next category are, of course, people who opened up  
8 their mailbox, saw the summons, and thought, "Oh, no." How many  
9 did that?

10 Thank you, ma'am. Is that related to the health issues  
11 that you've been experiencing?

12 UNIDENTIFIED JUROR: You know, I've been summoned for  
13 jury duty four times. I just am -- I'm a creature of habit. I  
14 mean, I don't like to sway from my normal everyday.

15 MS. MANCA: I understand. This is a disruption.

16 UNIDENTIFIED JUROR: Yeah, as bad as it was this  
17 morning, I'm driving, trying to park. I ran over the curb. I  
18 have a flat tire and my car is sitting in the garage.

19 MS. MANCA: Did that happen today?

20 UNIDENTIFIED JUROR: Yes. When it rains, it pours.

21 MS. MANCA: The flat tire is the big one. Thank you  
22 for being so candid with us about that.

23 Anyone who agrees -- I'm losing track of my numbers --  
24 Juror 16, about this feeling about jury duty?

25 JUROR NO. 16: I typically would be happy about it,

1 but I have something to do in two weeks. But I typically would  
2 be excited.

3 MS. MANCA: It's just the stresses of life coming to  
4 bear?

5 JUROR NO. 16: Yeah, yeah. Like, everybody is  
6 supposed to meet up for the first time ever, and I'm supposed to  
7 lead, and I'm nervous about what might happen with that.

8 MS. MANCA: Okay. Thank you for sharing that. I  
9 appreciate that.

10 Yes, Juror No. 27?

11 JUROR NO. 27: Apprehensive. I do see the solemn  
12 duty, but you lose control over what happens next, with the  
13 schedule and all.

14 MS. MANCA: What happens next to your personal life?

15 JUROR NO. 27: Yes.

16 MS. MANCA: We recognize the inconvenience, and we  
17 appreciate everyone being here, notwithstanding those  
18 apprehensions.

19 Anyone else?

20 UNIDENTIFIED JUROR: My daughter is getting married in  
21 25 days.

22 MS. MANCA: Are you one of the people who raised your  
23 hand for a hardship?

24 UNIDENTIFIED JUROR: No.

25 MS. MANCA: A lot of people have hardship. Judge

1 Lasnik's speech right, right?

2 UNIDENTIFIED JUROR: Yeah.

3 MS. MANCA: Is there anyone who would describe  
4 themselves as loving education? Juror No. 24?

5 JUROR NO. 24: I'm a scientist at a biotech company.  
6 I got my bachelor's in medical engineering. I basically try to  
7 figure out things, and do I get paid for it.

8 MS. MANCA: Thank you very much sharing that.

9 Juror No. 8, since we just heard from you, I'm going to ask  
10 you -- thank you for answering, 13.

11 JUROR NO. 8: Yeah, I've done lots of schooling as  
12 well, always enjoyed it. I'm a reader. My master's degree is  
13 in ancient languages. So it's interesting to enjoy the learning  
14 process.

15 MS. MANCA: I saw from your bio that you currently  
16 work as a pastor?

17 JUROR NO. 8: Yes.

18 MS. MANCA: Did you have another career?

19 JUROR NO. 8: Yes. I thought about going into  
20 teaching.

21 MS. MANCA: Have you always been a pastor, or did you  
22 have another job?

23 JUROR NO. 8: Yes, yes, for 21 years now.

24 MS. MANCA: Some people, their religious beliefs  
25 prevent them from passing judgment on other people. Do you



1 think you would have trouble reaching a verdict in this case if  
2 the evidence proved beyond a reasonable doubt that someone was  
3 guilty?

4 JUROR NO. 8: No, I'll do my best to be impartial.

5 MS. MANCA: Anyone else -- a show of hands -- who  
6 likes to learn? Is there anyone else? Juror No. 20?

7 JUROR NO. 20: I'm an avid reader, reading newspapers.  
8 I love to learn.

9 MS. MANCA: Thank you for volunteering that. I  
10 appreciate it.

11 Thank you for keeping those cards up.

12 What kind of things do you love to learn about?

13 JUROR: History, plants, biology, trees, architecture,  
14 gardening; a wide range of interests; American and European  
15 history.

16 MS. MANCA: Are you a person, like Juror No. 8 over  
17 here, who likes to learn about American systems of government?  
18 Well, we have one system of government, but the history of that,  
19 or different kinds of history?

20 JUROR: I think more human history. A lot of people  
21 deal with challenges in their lives, how to move forward.

22 MS. MANCA: Is there a book or topic of interest to  
23 you about that topic?

24 JUROR: I'm reading *The Overstory*.

25 MS. MANCA: What is that about?

1 JUROR: It explores our relationship with nature, the  
2 psychology of why we're so bad at acting on climate change, our  
3 perception of time, the meaning of hope, and so much more.

4 MS. MANCA: Thank you so much for sharing.

5 Juror No. 26, were you raising your hand?

6 JUROR NO. 26: Yes.

7 MS. MANCA: Can you just describe what that feels  
8 like?

9 JUROR NO. 26: Yeah. I got my undergraduate in United  
10 States history, and I bounced around in careers, but, generally,  
11 I just kind of pick up what I'm doing. I'm lucky to get my  
12 master's degree public education, and just picking up odds and  
13 ends, trying to learn.

14 MS. MANCA: Thank you for sharing that. I have on  
15 here that you are a small business owner?

16 JUROR NO. 26: No. I'm a small business permitting  
17 liaison with the City of Seattle. I help small businesses in  
18 the city of Seattle with their construction permits, going  
19 through the bureaucracy of what they need to do to get their  
20 business up and running.

21 MS. MANCA: What is your masters in?

22 JUROR NO. 26: Part of my job is learning about my  
23 clients. We do a lot of housing, so learning about different  
24 kinds of underserved communities and cultures, how people live  
25 and how they operate and gather and interact with one another

1 and how fate decides that or doesn't. So whoever my client is  
2 at the time, really delving into their social habits and how I  
3 can serve them best.

4 MS. MANCA: It sounds like your spouse also works in  
5 affordable housing.

6 JUROR NO. 26: Yes.

7 MS. MANCA: That's probably a unification of interest.  
8 He is an architect?

9 JUROR NO. 26: Now he is a trooper.

10 MS. MANCA: It's sort of social justice through  
11 architecture and planning in phases.

12 JUROR NO. 26: Yes, a lot of public communities we get  
13 ideas from, like a group at a community center, we'll help them  
14 go through that. We don't work together, but he'd help them get  
15 the money.

16 MS. MANCA: Is that how you met?

17 JUROR NO. 26: No. We just have a common interest.

18 MS. MANCA: What kind of buildings have you built?

19 JUROR NO. 26: More recently, family housing here in  
20 Seattle and Tacoma. Also women's shelters and childcare  
21 centers. A lot of community centers.

22 MS. MANCA: I'm a court reporter's nightmare, so I'll  
23 do my best to slow it down for Nancy, our court reporter.

24 Can I see a show of hands for any more people?

25 UNIDENTIFIED JUROR: I appreciate different skill sets

1 and different levels of education and courses of education, so I  
2 try to surround myself with people that are doing things very  
3 differently than I do so can I learn by proxy, whether that's  
4 carpentry, science, lab work, human rights, geography. I absorb  
5 it all. I take an interest in anything that anyone else is  
6 doing.

7 MS. MANCA: That's great. Are you also a small  
8 business owner?

9 UNIDENTIFIED JUROR: Yes.

10 MS. MANCA: What kind of business?

11 UNIDENTIFIED JUROR: I own a liquor company.

12 MS. MANCA: Distributing to stores?

13 UNIDENTIFIED JUROR: Actually, I handle all sorts of  
14 manufacturing, outsource manufacturing, and then we farm out the  
15 production aspects and we handle all the business development  
16 and then procurement and make sure it ships out.

17 MS. MANCA: Okay. Thank you.

18 Anyone else want to weigh in on this topic?

19 Yes, ma'am? This is Juror No. 25.

20 JUROR NO. 25: I'm a student. I'm very young, so I  
21 know that I have a lot to learn, and it doesn't hurt to learn  
22 more, so I always try to ask questions if I don't know  
23 something. I always try to look into things and understand why  
24 it is what it is. Yeah. Looking into the why behind things.

25 MS. MANCA: Looking into?

1 THE COURT: Can I ask you to stand when you're  
2 answering your questions? It will make it easier for the court  
3 reporter.

4 JUROR NO. 25: So I work on rockets. I'm always  
5 investigating things. I do a little bit of background in cosmo  
6 analysis.

7 MS. MANCA: Can you slow down?

8 JUROR NO. 25: I have a little bit of background in  
9 cosmo analysis, solving problems.

10 MS. MANCA: Who is a reader of mystery novels, true  
11 crime stuff, who really likes to dig into that?

12 Juror No. 6, what kind of novels?

13 JUROR NO. 6: So books, usually mysteries that aren't  
14 too weighty, but I read. As a busy mom, I just read sort of  
15 lesser cerebral subjects.

16 MS. MANCA: Sounds like you don't have a lot of time  
17 on your hands.

18 JUROR NO. 6: Yeah. And if I happen to have Netflix  
19 on in the background.

20 MS. MANCA: Who really loves crime shows?

21 And then Juror No. 20 was talking about human interest  
22 stories, people who like human interest stories, things like  
23 that.

24 Is there anyone who is willing to say "my brain is full,  
25 I'm not interested in learning today or at other times"?

1           Anyone who feels like, "My inclination is not to trust the  
2 government. I see you up here as a prosecutor. I'm feeling a  
3 little wary about what you might be showing me today"?

4           Yes, sir, can you explain that? Thank you for raising your  
5 hand.

6           UNIDENTIFIED JUROR: It's more just how I take in  
7 information. I'm always questioning the cause and effect, what  
8 causes it, why did it happen. I ask why.

9           MS. MANCA: So am I understanding you to say, "I'm not  
10 going to believe it at face value. I need you to prove it to  
11 me"?

12           UNIDENTIFIED JUROR: Yes. I'm technical.

13           MS. MANCA: Juror 3?

14           JUROR NO. 3: I just think, "be skeptical of  
15 especially people in power."

16           MS. MANCA: Tell me about that.

17           JUROR NO. 3: I don't know. The government lies  
18 sometimes.

19           MS. MANCA: Actually, that's true, right? And how do  
20 you feel that might affect the way that you view evidence in the  
21 case if the government is presenting evidence?

22           JUROR NO. 3: I guess it would make me more skeptical  
23 of evidence they present.

24           MS. MANCA: And have you heard about things in the  
25 news that have made you skeptical?

1 JUROR NO. 3: I don't know. Like invading Iraq and  
2 stuff like that.

3 MS. MANCA: Of course, yeah. So when the government  
4 is presenting evidence, do you feel like you can be fair to the  
5 evidence presented?

6 JUROR NO. 3: Yeah.

7 MS. MANCA: Thank you so much.

8 JUROR NO. 3: Sorry I yawned.

9 MS. MANCA: It's okay. Thank you for sharing that.

10 Does everyone agree with Juror No. 3? Right, you heard  
11 about the war in Iraq and some of the mistakes that were made  
12 that led us to that place.

13 Are you concerned about that, Juror No. 8?

14 JUROR NO. 8: I served in the Army, active duty for 17  
15 years, in Army Reserve. I'm a Vietnam veteran, and I know the  
16 stories that go beyond there. But overall, I trust the  
17 government until I'm shown otherwise.

18 MS. MANCA: That's the flip side of the coin. Do you  
19 feel like that affects your ability to listen to the evidence  
20 and hear it impartially and reach an impartial verdict?

21 JUROR NO. 3: No, not at all.

22 MS. MANCA: Thank you, 3 and 8.

23 Anyone else who wants to weigh in on the feelings about the  
24 government?

25 Juror 21?

1 JUROR NO. 21: I subscribe to the belief that a lot of  
2 the problems that happen within the government are individual  
3 issues that there are systemic issues at play with our justice  
4 system. I believe a lot of those things can be explained away  
5 by personal human error and greed and power and those kind of  
6 things that I don't -- I think the system is easy to look at and  
7 blame, but a lot of that is just (inaudible).

8 MS. MANCA: Thank you very much, yeah. That's a tough  
9 perspective, what is the system and what is the individual, and  
10 I appreciate your nuanced perspective on that.

11 Anyone else who would like to volunteer information? We  
12 appreciate all the hands going up and people talking.

13 Next is sort of related. You've heard that Amazon is  
14 involved in this case, in some respect. Is there anyone that  
15 has really strong feelings about Amazon, either positive or  
16 negative?

17 Yes, sir, Juror No. 27.

18 JUROR NO. 27: I'm positive toward Amazon.

19 MS. MANCA: Because they deliver on time?

20 JUROR NO. 27: Yeah.

21 MS. MANCA: And you work for Amazon, right? How do  
22 you feel that working for Amazon and being positive towards  
23 Amazon might affect your ability to be fair and impartial?

24 JUROR NO. 27: It sounds like it's only peripherally  
25 involved, so I don't feel like it will have that much effect.



1 MS. MANCA: Thank you, sir. That was Juror No. 27.

2 Anyone else? We've heard positives about Amazon. I'm not  
3 seeing a lot of hands. Anyone strongly negative towards Amazon?  
4 Okay.

5 What about banks? Does anyone feel negative towards banks?  
6 We came out of a recession, and there was a lot in the news  
7 about banks and their involvement in that. Any hands for not  
8 liking banks? Yes, sir? This is Juror 24.

9 JUROR NO. 24: I feel banks aren't fulfilling their  
10 community purpose that they were originally founded for.  
11 They're all about the money instead of community.

12 MS. MANCA: Thank you for being so candid about that.

13 Anyone else who has this feeling that they're just  
14 accumulating money?

15 UNIDENTIFIED JUROR: I work at Square, and Square  
16 recently became a bank, so we're trying to be a bank for the  
17 underrepresented. It's not necessarily a deep-seated issue with  
18 the bank, but we're trying to create a different type of bank.

19 MS. MANCA: That's all it is. It just popped into my  
20 head, something I wanted to say. Were you trying to create a  
21 different kind of bank because you felt like there was a gap in  
22 banking?

23 UNIDENTIFIED JUROR: Yes.

24 MS. MANCA: What kind of gap?

25 UNIDENTIFIED JUROR: Gaps for minorities and not the

1 majority.

2 MS. MANCA: Anyone else agrees with that perspective?  
3 Anyone else feeling the same way? Okay.

4 JUROR NO. 27: I guess maybe not as strong, but, yeah,  
5 I definitely agree that folks willingly underserve.

6 MS. MANCA: Yeah, bias in banking. Tell me about bias  
7 in banking.

8 JUROR NO. 27: Discriminatory practices in lending.

9 MS. MANCA: What about credit card companies?

10 JUROR NO. 3: I just think they're kind of negative  
11 overall. They send you all these ads for credit cards, and  
12 they're, like, "Hey, everybody, get in debt," and they're really  
13 just serving themselves. I don't trust them.

14 MS. MANCA: Yes, the credit card industry is serving  
15 itself. If you heard a credit card company was involved in this  
16 case, how does that affect the way you look at this case?

17 JUROR NO. 3: I guess I have an assumption that the  
18 credit card company is a negative party, like they're doing  
19 negative things, like Wells Fargo ripping their customers off  
20 and stuff like that. I don't trust them.

21 MS. MANCA: Do you feel like you would be able to set  
22 those feelings aside if you heard from a witness who worked for  
23 a credit card company?

24 JUROR NO. 3: I think so, yes.

25 MS. MANCA: Other people having feelings about credit

1 cards? Jury 17.

2 JUROR NO. 17: Well, I feel like they're a cloud  
3 identity, but at the same time we live in a society where big  
4 companies, such as Amazon and credit companies, so many people  
5 are dependent on them for their livelihood, and we're in this  
6 whirlpool of where we're dependent on Amazon in our everyday  
7 lives. And then you need a credit card so it is inevitable.  
8 But the company, as a whole, is this big nonidentity thing, so  
9 it's something that's kind of necessary for us to use. But at  
10 the same time, in an ideal situation, everything would be  
11 perfectly laid out and transparent, and everybody would  
12 understand what you're getting into when you get a credit card.  
13 That's mixed feelings.

14 MS. MANCA: So it could be better, is what I'm  
15 understanding?

16 JUROR NO. 17: Yes.

17 MS. MANCA: If you heard testimony from witnesses  
18 about credit cards, and even banks that made mistakes, how would  
19 you view that information?

20 JUROR NO. 17: I would want to see what the  
21 information was, because there's multiple sides. So I would  
22 kind of want to take it all in before I had an opinion, I guess.

23 MS. MANCA: Do you feel like you could be fair and  
24 impartial about banks and companies and what they did or didn't  
25 do wrong?

1 JUROR NO. 17: Yes.

2 MS. MANCA: Juror No. 21?

3 JUROR NO. 21: One of my first jobs was at Wells  
4 Fargo, and I enjoyed it and I feel good about it. Also,  
5 regarding credit card companies, I don't believe in predatory  
6 practices with students, especially so many students who get  
7 credit cards at a low rate, spend money on pizza left and right,  
8 and then they're \$10,000 in debt and they're a freshman in  
9 school. I think the deregulation is a problem and should be  
10 looked at.

11 MS. MANCA: Anyone else have strong or negative  
12 feelings or positive feelings about that?

13 I'm going to see if I can talk to some people I haven't  
14 talked to.

15 Juror No. 9, you work as a nurse?

16 JUROR NO. 9: Yes.

17 MS. MANCA: Do you have any thoughts or gut feelings  
18 about the conversation we've been having, you know, banks,  
19 Amazon?

20 JUROR NO. 9: I have similar feelings as some of these  
21 other people. There was a housing bubble that happened because  
22 of the banks and all the bad things that happened at them. The  
23 credit card companies that sort of act as a middleman just for  
24 the convenience to be able to live your life, and it's almost  
25 like watered-down usury, in my opinion. But it is necessary for

1 how we judge people based on how well they're able to keep their  
2 credit scores up.

3 But with that aside, I mean, like one of the other people  
4 said, I would withhold judgment until I have all the information  
5 in.

6 MS. MANCA: Okay. And sort of related to this idea,  
7 like this isn't a case about predatory lending practices or  
8 anything like that. Do you feel like you could set any feelings  
9 aside and judge the witnesses by --

10 JUROR NO. 9: I believe so.

11 MS. MANCA: Juror No. 11, it's sort of related to this  
12 banking topic. When you were a personal injury lawyer, did you  
13 ever put an attorney on your jury?

14 JUROR NO. 11: Often.

15 MS. MANCA: Really? Why?

16 JUROR NO. 11: The first time I did it in Snohomish  
17 County Superior Court. She got lost in the back row, and we  
18 didn't ask her questions. She turned out to be a great juror,  
19 and I could go on and on about it.

20 Now there are so many attorneys and paralegals in the jury  
21 pool, it's almost inevitable.

22 MS. MANCA: One of the things that people get  
23 concerned about attorneys on jury panels is the idea that your  
24 voice is larger than anyone else in the jury room. How do you  
25 think you might navigate that issue?

1 JUROR NO. 11: You know, with the Zoom trials, we've  
2 watched a lot of trials lately, and a friend of mine from the  
3 same law firm that this juror was on my case was on my  
4 daughter's case recently, and he did a great job, I think, of  
5 staying kind of out of the mix. It is easier on Zoom,  
6 obviously. But I think that I have no trouble being part of the  
7 group rather than trying to lead.

8 MS. MANCA: Not that I'm saying you couldn't lead, but  
9 that is a common thought that people have.

10 JUROR NO. 11: Right.

11 MS. MANCA: And also your legal background. If you're  
12 instructed about the law in this area, and it's different than  
13 what you understood the law to be, would you be able to follow  
14 that instruction?

15 JUROR NO. 11: Absolutely. I think we use the two  
16 from either side as examples, not beyond a reasonable doubt,  
17 just a preponderance. So it's just a flip of the other side of  
18 the coin.

19 MS. MANCA: Thank you very much.

20 Juror No. 12, you're a retired horticulturist?

21 JUROR NO. 12: Yes.

22 MS. MANCA: Can you describe what that is?

23 JUROR NO. 12: Horticulture is just plant care. I  
24 work for an international company that has branches all over the  
25 world, and we take care of the plants you see in offices,

1 inside.

2 I didn't care about the outside ones. I like to look at  
3 them, but I don't care about them. So we took care of the  
4 inside plants. I managed people who went out in the field and  
5 watered them and made them look good.

6 MS. MANCA: How many years did you do that?

7 JUROR NO. 12: Twenty-five.

8 MS. MANCA: Do you have strong feelings about the  
9 discussion we've been having?

10 JUROR NO. 12: No. I think I could be impartial. I  
11 have opinions, of course, about all this stuff, but nothing out  
12 of the norm.

13 MS. MANCA: Thank you very much, and thank you for  
14 explaining horticulture.

15 JUROR NO. 12: That's okay. Nobody knows what it is.

16 MS. MANCA: Juror No. 14, you work in CAT scans?

17 JUROR NO. 14: Yes.

18 MS. MANCA: And you've been on a jury before?

19 JUROR NO. 14: Yes.

20 MS. MANCA: How did you like that?

21 JUROR NO. 14: It was interesting. It was good to be  
22 part of it.

23 MS. MANCA: Did you get along with the other people  
24 you were on a jury with?

25 JUROR NO. 14: Yes. I'm third shift.

1 MS. MANCA: What hours?

2 JUROR NO. 14: 6:30 to 7 p.m. so I feel like...

3 MS. MANCA: Like you're on the wrong side? Thank you  
4 for telling me that. I hadn't noticed, but that does make it  
5 hard to follow along. Thank you for sharing that with us.

6 Juror No. 15, you work as a procurement manager for  
7 Bellevue College and you have tech experience?

8 JUROR NO. 15: Yeah. I dabbled in tech while I was  
9 getting my undergraduate and my computer science degree, but by  
10 no means am I an expert.

11 MS. MANCA: Any strong feelings?

12 JUROR NO. 15: People have their opinions, so I  
13 respect their opinions.

14 MS. MANCA: That's a good point. Everybody has  
15 opinions and nobody asked you to set your opinions aside. We  
16 ask you to set them aside, but we don't ask you not to have  
17 them.

18 Thank you, sir.

19 Your Honor, I'm about five more minutes?

20 THE COURT: You're a little beyond.

21 MS. MANCA: I'm done.

22 THE COURT: How about two more minutes?

23 MS. MANCA: All right. Two more minutes.

24 Juror No. 18, you work in furniture assembly? And Judge  
25 Lasnik was familiar with what you were saying, but I was not.



1 JUROR NO. 18: What is the question?

2 MS. MANCA: You work in furniture assembly?

3 JUROR NO. 18: Yes.

4 MS. MANCA: Can you explain?

5 JUROR NO. 18: I travel to people's homes and assemble  
6 furniture that they buy online.

7 MS. MANCA: And there was a company that Judge Lasnik  
8 mentioned.

9 JUROR NO. 18: There's Task Rabbit.

10 MS. MANCA: Oh, Task Rabbit.

11 Do you have technology experience?

12 JUROR NO. 18: Not really. I use an app, but I don't  
13 consider myself to be tech savvy.

14 MS. MANCA: Thank you. That's my time for now. Thank  
15 you so much for your time and attention.

16 THE COURT: Later, I'll show you how to get Task  
17 Rabbit on your phone. And then there's Lugg, L-u-g-g, that will  
18 deliver your stuff for you. It's a good app to have.

19 Okay, ladies and gentlemen, now please give your attention  
20 to Mr. Mo Hamoudi, who will do about a half hour of questions.

21 MR. HAMOUDI: Hi, everyone. I tell you, I get nervous  
22 when I talk sometimes, so if I stumble on my words, I apologize  
23 in advance.

24 I want to ask a question. I want to ask if someone is  
25 willing to talk about something they're passionate about, and

1 not so much your profession or avocation. Is anyone willing to  
2 speak about their passion? No one?

3 THE COURT: That's a loaded word.

4 MR. HAMOUDI: The follow-up question is: I'm  
5 passionate about criminal defense, and maybe, Mr. XXXXXXXXXX, if  
6 you could help me with this.

7 I believe in the Constitution, and I'm a criminal defense  
8 lawyer, and I believe in the presumption of innocence.

9 And the other day I'm driving down Highway 99, and I see a  
10 car pulled over and I see two police vehicles behind it, and my  
11 initial instinct is, what did that person do? And that's  
12 absolutely inconsistent with the presumption of innocence. And  
13 what I started to reflect on is that this thing I'm passionate  
14 about, which is criminal defense, it asks me to do an unnatural  
15 thing, which is think about the presumption of innocence through  
16 this lens.

17 And if you had advice, since you're a lawyer of many years'  
18 experience, how do you deal with that?

19 JUROR NO. 11: Wow, that's a big one.

20 So I think that what we are learning today about the bias  
21 or biases, you've got this lens that you're looking through, and  
22 I wouldn't be looking through that same lens because I don't do  
23 criminal defense. I would be seeing if there was somebody there  
24 that was injured or that needed my help or needed me to call  
25 911.

1           So it's kind of what am I looking through here, what are my  
2 experiences that bring me to this stop on the road or in the  
3 courtroom listening to a witness that -- how can I take all that  
4 in?

5           As Judge Lasnik just pointed out, you slow it down and you  
6 think about it so that you're not using biases to analyze  
7 something or jump to a conclusion that's not going to be  
8 verified later on.

9           MR. HAMOUDI: So if you're doing that in a collective  
10 group, right, and you're trying to process information, maybe  
11 you're in a jury room deliberating, what ideas would you have  
12 about doing that?

13           JUROR NO. 11: I would listen to the other people.  
14 There are people here I would love to hear from, and it is  
15 fascinating to me all the different perspectives in this  
16 courtroom. So that's what I would do.

17           MR. HAMOUDI: That's a good answer. I appreciate it.

18           Does anybody else have any follow-up with what  
19 Mr. XXXXXXXXXX said? Feedback, how to process the information  
20 when you walk into it? Anybody? Juror No. 21?

21           JUROR NO. 21: One of the things I love about problem  
22 solving, in general, is hearing the different perspectives.  
23 Both my parents are immigrants, so I've always been interested  
24 in multicultural studies and the adoption of different  
25 languages. One of the things I heard about, people who are

1 bilingual or trilingual, identifying multiple languages gives  
2 you the perspective of how that fits into the culture or the  
3 language background. So just hearing different perspectives on  
4 any sort of issue at hand, I think, is valuable.

5 MR. HAMOUDI: And anybody else want to share their  
6 views on this very point? Yes, sir?

7 JUROR NO. 8: I'm a pastor, and that makes me alien to  
8 most people, but I wasn't raised in the church, so one of the  
9 things I've done in my church, I appreciate the video on  
10 unconscious bias because we just recently ran a workshop for my  
11 church called Justice and Race, and the whole idea was how you  
12 get to the presuppositions. Church people, to be honest with  
13 you, are the worst with presuppositions. I think it was a  
14 really good exercise for our community to figure out how to talk  
15 to each other, how to treat people of color. People are  
16 different than you, and we're trying to figure out a way to go  
17 forward without hurting each other. So, yeah, I appreciate what  
18 you're saying there.

19 MR. HAMOUDI: Thank you so much. Anybody else have an  
20 opinion on that? Juror No. 8?

21 JUROR NO. 8: You know, as a teacher in history  
22 courses, and students are given a number of different documents  
23 and they have to go through and look at the different  
24 perspectives and points of view to be able to answer the  
25 questions. So one of the things that I tried to do in teaching

1 my students is how to look at the different points of view and  
2 then be able to come to some conclusion without just relying on  
3 any one particular judgment.

4 MR. HAMOUDI: Anyone else? So Judge Lasnik talked  
5 about hard conflicts, like people who have really significant  
6 commitments that might make it difficult for them to serve on  
7 this jury.

8 I want to talk about a slightly different type of conflict.  
9 One is, this case is going to require you to pay attention to  
10 technical details, and it's going to be very challenging. It's  
11 been challenging for myself, as a lawyer who is not a technical  
12 person, to understand the case. So sometimes you have  
13 professional and personal obligations that are outside  
14 legitimate obligations that you're dealing with in your lives,  
15 and though they're not a hard conflict, they might be something  
16 that are pressing in your mind, and if something like that  
17 exists in your life, would you mind sharing it with us so we  
18 know? Because we really need you to make this case a priority,  
19 because it's such an important case. Anyone willing to share?

20 Yes, sir?

21 JUROR NO. 25: So I go to Bellevue College, and I  
22 believe it's Juror 3 that also goes to Bellevue College, and  
23 finals are coming up the week of the 23rd. So my last quarter  
24 before I get my associate's, it's just very worrisome for me  
25 that spending time here, I might not be able to study and get

1 those assignments done. But this seems like a very interesting  
2 case. I would love the opportunity to serve. But it's just  
3 something that might be in the back of my mind.

4 MR. HAMOUDI: Anyone else? Juror No. 15?

5 JUROR NO. 15: Yes. I work at Bellevue College in the  
6 financial department, and this month is our fiscal month end.  
7 So I have to be closing, and we migrated to a new ERP system.  
8 So the burden is, all my direct reports are left doing all the  
9 closing, all the work, and I will face disgruntled employees  
10 when I return, because they were given the burden to close, and  
11 I should be assisting them.

12 As well, I have two small children. So if selected now, my  
13 wife, who adamantly does not want me to serve, has the duty now  
14 of dropping them off at school and picking them up and taking  
15 them to their extracurricular activities. So it would be a  
16 hardship later because my wife would have a grudge for having to  
17 do all that work, and my staff will have a grudge that they had  
18 to do all the work to close.

19 But I was raised in a military family, and I believe in  
20 self-service. So I will do it, if selected, but it is a fantasy  
21 world if I think that two weeks that I'm not either at work or  
22 assisting with the drop-off, delivery of my kids, that I won't  
23 face any repercussions.

24 MR. HAMOUDI: I appreciate your honesty, and I  
25 empathize with your obligations.

1 Do you think these obligations would make it very difficult  
2 to pay attention to the witnesses who are going to be talking  
3 about very detailed technical matters?

4 JUROR NO. 15: I don't think it would be difficult to  
5 pay attention. I would be thinking about my responsibilities  
6 outside this courtroom, to be honest, thinking about my staff or  
7 obligations that I already had precommitted to before coming  
8 here.

9 MR. HAMOUDI: Thank you.

10 One of the subject matters that's going to come up during  
11 this trial is called "cryptocurrency." Does anyone have any  
12 familiarity with cryptocurrency?

13 UNIDENTIFIED JUROR: I own cryptocurrency. I follow  
14 it.

15 MR. HAMOUDI: Anybody else? Juror No. 21? And then  
16 I'll come to Juror No. 17.

17 JUROR NO. 21: It's something that I'm generally  
18 interested in. I probably have some bias against it in that I  
19 just think it's one of the main unhealthy kind of things. I'm  
20 certainly interested in knowing more about it. I don't know  
21 anything about it, but I have friends who are interested.

22 UNIDENTIFIED JUROR: I've heard of it and seen it  
23 around. I've tried to understand what it is, but I haven't, and  
24 I'm trying to learn and trying to understand it, but aside from  
25 having heard of it, I don't know much about it.

1 MR. HAMOUDI: Juror No. 8?

2 JUROR NO. 8: I have a limited knowledge of  
3 cryptocurrency, and I'm skeptical at the same time.

4 JUROR NO. 13: I own some Bitcoin and Dogecoin.

5 MR. HAMOUDI: What is your number?

6 JUROR NO. 13: Thirteen.

7 MR. HAMOUDI: How about social media? How many people  
8 have positive experiences with social media? We have some  
9 hands.

10 Juror No. 23, what are your positive experiences with  
11 social media?

12 JUROR NO. 23: So I have both positive and negative  
13 experience, but my positive experiences are that I'm in a lot of  
14 groups on Facebook, and it gives me a way to be involved with my  
15 bicycling group. I'm in several different clubs with bicycles  
16 and swimming, and it's our major way of communication.

17 MR. HAMOUDI: Do you mind sharing your negative  
18 experiences?

19 JUROR NO. 23: Oh, I just kind of -- otherwise, I kind  
20 of despise Facebook. If it weren't for that positive stuff, I  
21 would be like, no, don't take any more of my information. I try  
22 to keep all of my information as secure as possible, and I go  
23 into all those back rooms and keep it as private as I can. But  
24 I don't trust it.

25 MR. HAMOUDI: Okay.



1 Juror No. 28, you raised your hand?

2 JUROR NO. 28: I'm a founder of a nonprofit, so I use  
3 it for that, for all the stuff that we do on a regular basis.  
4 And then I'm a realtor, and my husband and I have a company  
5 together, so we use it as well.

6 MR. HAMOUDI: Juror No. 6, what are your positive  
7 experiences with social media?

8 JUROR NO. 6: I run a home-based business primarily on  
9 social media, and I make pretty good money. So in that regard,  
10 it is positive.

11 On the other side, I have four daughters, ages 11, 13, 14,  
12 16. None of them have social media at all because I just don't  
13 think it's good for people's mental health to follow, in  
14 general.

15 MR. HAMOUDI: Why it isn't good for people with mental  
16 health?

17 JUROR NO. 6: I feel that so much social media is  
18 photographs and comparisons, and getting that mental hit of  
19 dopamine when people like their posts. That's why. "Aren't my  
20 kids so cute" instead of, "oh, my God, look at the loads of  
21 laundry I need to fold," and "let me clear this off in the  
22 background for my photo."

23 MR. HAMOUDI: That is something I had trouble  
24 understanding. You said a dopamine thing, and maybe you can  
25 help me understand what that means.

1 JUROR NO. 6: So I think that's the word. It's sort  
2 of just a mental endorphin-type thing that is pleasant. That's  
3 what you get from using drugs, too, I think. But when people  
4 like your social media posts, it's enjoyment, and you get  
5 addicted to it, and you go back and check because you want to  
6 see if people responded positively.

7 MR. HAMOUDI: Juror No. 1, you were nodding your head.  
8 Do you have anything to share about what this juror was just  
9 sharing about the process of dopamine?

10 JUROR NO. 1: I was on social media before, and I can  
11 relate to wanting that reward system when people approve of what  
12 you post, or having insecurities when people don't respond well  
13 or disapprove. The thing she said, the dopamine hit is your  
14 brain's way of rewarding you.

15 MR. HAMOUDI: Anybody else have similar experience or  
16 know people who like to use social media for this process of  
17 getting that positive reinforcement of the dopamine hit and  
18 getting in that cycle?

19 Juror No. 25?

20 JUROR NO. 25: So I'm actually going to school for  
21 marketing with a specialty in social media marketing, so I'm a  
22 little sensitive to the psychology of social media. There are  
23 positive experiences as well, businesses entrepreneurs that are  
24 creating their own businesses from the ground, up. So there is  
25 positives and negatives, but the psychology of the dopamine,

1 it's very true. It's been tested.

2 MR. HAMOUDI: Does anybody have a negative experience  
3 with social media? Yes, sir, Juror No. 19?

4 JUROR NO. 19: I'm a middle school counselor, and so  
5 social media is a constant battle. We have, like, a confessions  
6 page that a student created, and, basically, kids can post to it  
7 anonymously. They can spread rumors. There is an Instagram  
8 page that people post fights to, and then they bring it to  
9 administrators or me, and we don't know who posted it. So it's  
10 like fighting an invisible monster.

11 I worry about the social media impact, particularly on our  
12 teenaged girls. I have two nieces, and we wonder when it's  
13 appropriate to have social media for any child.

14 I think social media is more negative than positive. Like  
15 this juror said, there are some benefits for social media, like  
16 businesses and promoting things. But you can spread something  
17 very quickly, positive or negative.

18 MR. HAMOUDI: So as a school counselor, you see  
19 something on a social media post, and it brings you concern;  
20 what's the process that you go through to confront that  
21 information?

22 JUROR NO. 19: Usually, I'd bring it to my  
23 administrators. And we've had some instances where there will  
24 be, like, a threat at our school and our administrators know and  
25 I think they walk through their process, I'm not particularly

1 involved in that, but they, nonetheless, have to let law  
2 enforcement know if it's a particular threat, let parents know.  
3 But if they don't know who posted it, it's kind of just  
4 notifying everyone to be on alert.

5 MR. HAMOUDI: Anybody else have a negative experience  
6 or opinion about social media?

7 Anybody have a Twitter account? Mr. XXXXXXXXXXXXX, can you  
8 talk to us a little bit about your experiences with Twitter?

9 JUROR NO. 26: I had a Twitter account to post social  
10 media posts that have to do with my work to get programs and  
11 stuff we have out there. Generally, I don't tweet about my  
12 personal life or anything else.

13 MR. HAMOUDI: Is your Twitter account private or  
14 public?

15 JUROR NO. 26: Private.

16 MR. HAMOUDI: So you get to decide who accesses your  
17 account and who doesn't?

18 JUROR NO. 26: Yes.

19 MR. HAMOUDI: Who else has a social media account  
20 that's private? Somebody we haven't heard from.

21 Juror No. 20, do you have a social media account that's  
22 private?

23 JUROR NO. 20: I do have a private account. I keep  
24 track of my grandchildren. My distant children post pictures of  
25 their children so that I can see my grandchildren. So that's

1 private, and only family can see it.

2 MR. HAMOUDI: All right. Anybody else have a public  
3 social media account, which they don't mind if anybody looks at  
4 it? Juror No. 22?

5 JUROR NO. 22: I just post friends and family. So I  
6 don't really care. Nobody really looks at it or sees it.

7 MR. HAMOUDI: How much time do I have, Your Honor?

8 THE COURT: About ten more minutes.

9 MR. HAMOUDI: I want to ask a question about privacy.  
10 A very succinct question.

11 Who owns your identity? Does anybody know the answer to  
12 that question, or can anybody surmise an answer to that  
13 question? Can you venture a guess, Juror No. 22?

14 JUROR NO. 22: Working in tech, I feel like we're  
15 getting better as a society, at least within the digital space,  
16 of allowing consumers to let companies know if you want them to  
17 use your information, which allows people to be more engaged  
18 with who owns their personal information, because then they have  
19 the ability to allow that personal information to be shared.

20 Historically, I feel like companies have been a little more  
21 anonymous in the fact of owning that information, because they  
22 don't tell customers what they're holding on to on the back end.

23 So, for example, to put this into context: You go to a  
24 site and you sign up saying you want to engage in mortgages and  
25 get their rates; that mortgage company is taking your

1 information and selling it, and then they sell it.

2 As a society, we're getting better about not sharing the  
3 information, like Google, and it ends up with the policies we  
4 have today.

5 MR. HAMOUDI: This has happened to me, but I almost  
6 think somebody is listening to what I'm doing.

7 I get an ad for a shoe, and I recently searched for that  
8 shoe. Has that ever happened to anybody? Someone I haven't  
9 heard from yet. Yes, sir?

10 JUROR NO. 24: It happens all the time. You look for  
11 a particular piece of gear, and then it starts popping up.  
12 That's the nature of cookies.

13 MR. HAMOUDI: You said something about cookies?

14 JUROR NO. 24: Yes.

15 MR. HAMOUDI: What is a cookie?

16 JUROR NO. 24: It is a tracking bit of data that the  
17 website uses to say that person looked for Item A, and they can  
18 share that, and then that person might be interested in  
19 receiving ads for Item A.

20 MR. HAMOUDI: Anybody else have an experience like  
21 that?

22 UNIDENTIFIED JUROR: I've been in Costco and looking  
23 at appliances, and by the time I get to my car, I got ads about  
24 LG appliances or Whirlpool or whatever, and I've done nothing.

25 MR. HAMOUDI: You, sir, were nodding your head. Juror

1 No. 10, what is your experience?

2 JUROR NO. 10: It just seems like sometimes maybe  
3 Alexa is listening to your conversation, and you get ads for  
4 things you're talking about. Maybe it's coincidence, but it  
5 seems like it happens more often than not.

6 MR. HAMOUDI: I almost feel like we've come to an  
7 agreement that this is just the world we live in. Are people  
8 okay with that? Yes, sir, Juror No. 3?

9 JUROR NO. 3: I think it's kind of weird, because we  
10 live in a world where we need, like, a smart phone to do,  
11 basically, anything. I need it for my job to do stuff, like  
12 when I hang new government posters, they want me to take a  
13 picture of it on my smart phone. It's like we're giving away  
14 all our information and signing agreements that none of us have  
15 read. When you get an iPhone, is everybody reading that 30-page  
16 mumbo-jumbo agreement? You just sign it away, and they can do  
17 whatever they want with it. It's weird.

18 MR. HAMOUDI: Anybody else want to talk along those  
19 lines? These agreements are long, and you're signing because  
20 you need to use this service, right, they're an integral part of  
21 your life, and you say, okay, this is just the way the world is.  
22 Does anybody share that view? Anybody have thoughts on it?  
23 Juror No. 21?

24 JUROR NO. 21: I feel like to some degree the cat is  
25 out of the bag. It's going to be very difficult, I think,

1 whether it be government regulators or companies to self-manage  
2 that or consumers to push back against that and change it.

3 I see the function of it as a business owner of targeted  
4 advertising and how important it is for businesses to be able to  
5 target consumers that are looking for that information, but, at  
6 the same time, as a consumer, as just an individual living his  
7 life, it makes it problematic.

8 But, again, the cat is out of the bag, and good luck to  
9 whoever can turn that corner.

10 MR. HAMOUDI: Thank you. I really appreciate  
11 everybody being very forthright.

12 This question is super important, and I don't like to talk  
13 about bias or prejudice. I try to reframe those topics to be  
14 preconceived opinions, quick to judge because, at least in my  
15 perception, "bias," "prejudice" suggests something very strong,  
16 and I tend to give people the benefit of the doubt.

17 Does anybody have strong opinions or quick to judge a  
18 public defender, a criminal defense lawyer? Does anybody feel  
19 those feelings because we represent people that are accused of  
20 crimes and are willing to share? Yes, Juror No. 25?

21 JUROR NO. 25: So my aunt is a criminal defense  
22 attorney in New York, and I got to go to, like, the courthouse  
23 with her and see cases, and a lot of the times, like, there  
24 would be cases where she had all the evidence lined up,  
25 everything is great, and she loses the case and the person is,



1 actually, innocent.

2 And there are times when she has the right evidence and  
3 they get set free. So those kinds of things happen with  
4 prosecutors and defense attorneys, and I -- I kind of lean more  
5 towards I want to see if the person really is innocent, innocent  
6 until proven guilty.

7 MR. HAMOUDI: Anybody else have opinions on that? I  
8 think that's it. I thank you for your time, and I thank you for  
9 listening to my questions and answering them.

10 THE COURT: Thank you, Mr. Hamoudi. You all did a  
11 really good job of answering tough questions. I hope you  
12 enjoyed the discussion this morning.

13 I'm going to definitely tell Ms. XXXXX, go take care of  
14 your car and go take care of yourself. So don't worry about  
15 coming back. Okay?

16 Some of the other jurors, Juror No. 22, yeah, you've got a  
17 wedding to go to. You're going to go.

18 The rest of the people, I'm still mulling it over. I want  
19 to see what my numbers are after the second group, but this is  
20 what we're going to do now.

21 There is another 30 of people downstairs. They are going  
22 to come up at one o'clock, and they will go through what you  
23 just went through. Normally, I would do it all at once, but  
24 we're trying to do social distancing.

25 You guys are free until three o'clock. Go to the jury room

1 at three o'clock, and Victoria will bring you up here. There  
2 will be some changes in your seats because we'll have another  
3 group of people coming in, but the people in the jury box will  
4 still be in the jury box, and then we'll take it from there.

5 When I tell you you have three hours to explore Downtown  
6 Seattle, and it's pouring and freezing and windy, I'd feel bad,  
7 but it is a really nice day. If you walk west on Stewart  
8 Street, you'll get to the Pike Place Market. You can go down  
9 there or you can head up north Westlake to South Lake Union  
10 where the Whole Foods is and restaurants and the like. Take  
11 advantage of the chance of being Downtown Seattle.

12 Don't talk about the case or do any research about the  
13 case. Don't look at any newspaper articles. Do keep your mind  
14 free from any outside influences. I ask you to be back at three  
15 o'clock. By three o'clock, we'll have a real good idea of our  
16 numbers so people who want to leave can go, and then we'll take  
17 what are called peremptory challenges, challenges for which a  
18 reason not need be given, and by the end of today we'll seat a  
19 jury of 15, 12 who will be the jurors and three alternates.

20 The lawyers stay here, but you are all excused. Thank you.

21 THE FOLLOWING PROCEEDINGS WERE HELD  
22 OUTSIDE THE PRESENCE OF THE JURY:

23 THE COURT: I screwed up at the very beginning. I  
24 should have had you and Ms. Thompson pick three alternate seats  
25 before bodies were in there. So go ahead, pick the three seats

1 you want to be the alternates.

2 MR. HAMOUDI: From this pool?

3 THE COURT: Well, I should have done it before there  
4 was anybody there. Just pick, 1, 7, whatever. You can let me  
5 know later, if you want to talk about it as a team.

6 MR. HAMOUDI: If that would be okay?

7 THE COURT: Yeah, just let Victoria know when we come  
8 back.

9 MR. HAMOUDI: Yes.

10 THE COURT: We have the other jurors coming in at one,  
11 so we'll take a one-hour lunch hour.

12 Anything, Mr. Friedman, that you want to raise about jury  
13 selection so far or going forward?

14 MR. FRIEDMAN: One point on jury selection and one  
15 going forward.

16 Your Honor, since the choice of the alternates is really  
17 supposed to be totally random, I think having an hour to  
18 strategize, it seems to me it would be reasonable to ask the  
19 defense to just pick the seats at this point.

20 THE COURT: You want me to just pick numbers at  
21 random?

22 MR. FRIEDMAN: Yes, I do.

23 THE COURT: I guess that makes sense.

24 MR. HAMOUDI: I can pick them now, Your Honor. We  
25 would pick 15, 9, and 12.

1 THE COURT: Okay. I understand what you're saying,  
2 Mr. Friedman. Go ahead, in that order, first, second, third.

3 MR. FRIEDMAN: And the other point, Your Honor, some  
4 of the motions in limine are very important to what we would say  
5 in opening or not say in opening.

6 THE COURT: We're not going to do openings today.  
7 When we pick the jury, hopefully by 3:30, we'll deal with  
8 motions in limine and other things, so you'll have guidance for  
9 tomorrow morning.

10 Are you doing the opening?

11 MR. FRIEDMAN: I am not.

12 THE COURT: Ms. Manca.

13 Who is doing opening there?

14 MR. KLEIN: I will.

15 THE COURT: And you're going to do your opening right  
16 after the government's?

17 MR. KLEIN: Yes, Your Honor.

18 THE COURT: If you can get me, by tomorrow, a list of  
19 what witnesses, what days, and give it to them, and who's got  
20 the witness for both direct and cross, I'd appreciate it. Okay?

21 MR. FRIEDMAN: Your Honor, the only thing I would say  
22 on that is the -- we, basically, intend to call all of our  
23 witnesses, so that's easy to do. The defense has a list of,  
24 roughly, 40, so we may not allocate crosses at this point.

25 THE COURT: I'm just talking about the government's

1 case and the sequence in which you're going to call them, is  
2 what I'd like. Which ones are scheduled for Wednesday,  
3 Thursday, Friday, etc. Okay?

4 Mr. Hamoudi, anything else you want to bring to my  
5 attention?

6 MR. HAMOUDI: No, Your Honor.

7 THE COURT: Thank you so much. I'll see you at one  
8 o'clock. We're adjourned.

9 (Court in recess 11:56 a.m. to 1:15 p.m.)

10 THE FOLLOWING PROCEEDINGS WERE HELD  
11 IN THE PRESENCE OF THE JURY POOL:

12 THE COURT: This is kind of déjà vu all over again,  
13 because we did this at nine o'clock with 30 people. That's why  
14 you guys are in a seat, which would normally be 12 through 8, 7  
15 through 15, but you've got your numbers. And keep your numbers  
16 with you, that's good, and flash them when you can.

17 My name is Robert Lasnik. I'm a United States District  
18 Court judge. You've been summoned here today for jury selection  
19 in a criminal case entitled the United States of America versus  
20 Paige Thompson, and the United States is represented by a number  
21 of Assistant United States Attorneys. I'm going to introduce  
22 Andrew Friedman, who will introduce his fellow U.S Attorneys and  
23 the agent at counsel table.

24 MR. FRIEDMAN: Good afternoon. My name is Andrew  
25 Friedman. I'm a federal prosecutor, and with me at counsel

1 table are Jessica Manca and Tania Culbertson, who are also  
2 federal prosecutors, and we're also joined by Joel Martini, who  
3 is a special agent with the FBI.

4 THE COURT: And Paige Thompson is seated at counsel  
5 table, in the middle, and she is represented by a number of  
6 attorneys, and I'm going to introduce you to Federal Public  
7 Defender Mo Hamoudi, who will introduce counsel with him on that  
8 side of the courtroom.

9 MR. HAMOUDI: Good afternoon, everyone. My name is Mo  
10 Hamoudi. I'm a Federal Public Defender. I'm joined here by my  
11 co-counsel, Brian Klein. We represent Paige Thompson. And we  
12 are also joined by Stacey Brownstein. She's an investigator in  
13 our office. We also have Luce Vegas, she is a paralegal in our  
14 office. And we have attorneys here, also, some colleagues,  
15 Melissa Meister, Emily Stierwalt, and Nancy Tenney.

16 THE COURT: Thanks, Mr. Hamoudi. That's a lot of  
17 lawyers, right, and just one judge up here. I still get the  
18 last word, so it's going to be okay.

19 This is a case that you might have read about back in 2019  
20 when the files of Capital One, the credit card company, someone  
21 got access to those files and was able to take 100 million files  
22 of personal information, such as Social Security numbers, credit  
23 card numbers, birth dates, et cetera, et cetera. That's what  
24 this case is about.

25 The government has made an allegation that it was Paige

1 Thompson who accessed that information, they claim, illegally,  
2 and that's what we're going to be doing in the trial.

3 But today what we're doing is just selecting whether you  
4 can be a fair and impartial juror in that trial.

5 Now, you all filled out forms ahead of time, and some of  
6 you indicated, to the question, "Can you be fair to a  
7 transgender woman?" Juror No. 53, you indicated you didn't  
8 think you could be fair; is that right?

9 JUROR NO. 53: Yes, that is correct.

10 THE COURT: Is that because of religious beliefs, or?

11 JUROR NO. 53: No, just my personal beliefs.

12 THE COURT: Okay. If you can't be fair, you shouldn't  
13 be here, so you're excused.

14 Thank you. You can go back to the jury room.

15 And Juror No. 40, Mr. XXXXX, you said, "I'm a practicing  
16 Catholic so it's inconsistent with my beliefs, but I believe in  
17 being fair and impartial and treating everyone well."

18 Do you feel you could be fair and impartial to Paige  
19 Thompson in this case?

20 JUROR NO. 40: I have questions about that.

21 THE COURT: Okay. And when you say you have questions  
22 about it, tell me about that.

23 JUROR NO. 40: Well, I don't know if -- I know the  
24 teachings of the Catholic church, and the Catholic church says  
25 that changing your gender -- while I can't judge somebody else,

1 but if I did it, I would be guilty of mortal sin.

2 THE COURT: Sure.

3 JUROR NO. 40: So I would judge that how I would  
4 judge. That's where I land.

5 THE COURT: So and no one is asking you to bless  
6 Ms. Thompson's choice.

7 JUROR NO. 40: Right.

8 THE COURT: What we're asking you is, can you be fair  
9 and impartial knowing that she's a transgender person, or do you  
10 think that will, in some way, take away your ability to give her  
11 the presumption of innocence or put the burden of proof beyond a  
12 reasonable doubt on the government?

13 JUROR NO. 40: It might.

14 THE COURT: Okay. Then I'll excuse you. Thanks very  
15 much for your candor. Juror No. 40, Mr. XXXXX, is excused.

16 Now, the other factor I need to inquire about is the length  
17 of the trial and how it might have an impact on people's  
18 business plans, vacations, life in general.

19 So I think we're going to do the case in about two weeks,  
20 but we do have a holiday on June 20th. Juneteenth is now a  
21 federal holiday.

22 You know, when I went to school, we still had Lincoln's  
23 birthday and Washington's birthday separate. There was no  
24 Presidents Day. And we used to have the holidays on the  
25 birthdays. I think it was a lot better that way. But, anyway,



1 I don't get to make that decision. But Monday, June 20, will be  
2 a holiday. And I think we better add another week to cover  
3 anything that could go wrong, and deliberations. So I'm going  
4 to ask you to please answer this questions with the  
5 understanding I might need you through Tuesday, June 28th, which  
6 is three weeks from today.

7 But before I ask the question, I want to give you "the  
8 speech," and the speech is, when you think about it, your  
9 government, very rarely, comes and asks for your service.

10 There was a time when you got drafted. I went through that  
11 experience of getting a number to know when you were going to be  
12 drafted. But now it's a volunteer army.

13 You can vote if you want to, but you don't have to.

14 The only time, really, the government says we need you to  
15 perform a service is when you're summoned for jury duty. And  
16 it's called "jury duty" for a reason. It is a duty. It is a  
17 responsibility.

18 And our system of government, which says, Judge Lasnik, you  
19 may be super smart, but you're not going to be the one who  
20 decides this, and United States attorneys, you may be highly  
21 ethical and principled, but you don't get to just decide who  
22 gets charged and who gets convicted. That's a matter for a jury  
23 of Ms. Thompson's peers, and that means we have to summon people  
24 and ask them to inconvenience themselves, for a couple of weeks,  
25 to give life to what it means to have the presumption of

1 innocence, proof beyond a reasonable doubt, due process, and  
2 fairness in our society.

3 So when you stop and think about the sacrifices that so  
4 many people have made for this country -- and yesterday was  
5 D-Day, and do you know how many people died on that day? I  
6 mean, it's just shocking. I read a statistic that still haunts  
7 me about the number of people who died in that invasion of  
8 Normandy, including siblings. Can you imagine what parents went  
9 through to hear that both of your children have been killed at  
10 the Battle of Normandy, D-Day.

11 What we're asking you to do here is not in that category,  
12 but it is something that I ask you to think about from the  
13 perspective of your citizenship and your obligations with that  
14 citizenship.

15 Now, having said that, some of you have nonrefundable  
16 tickets to fly to Europe or Asia. Some of you have medical  
17 situations or family situations. I'm not saying there's  
18 something wrong with you if you ask to be opted out here, but  
19 I'm just asking you -- sometimes I get, "Oh, I'm too important  
20 to sit in a courtroom for three weeks," or "I have other things  
21 I want to do." I'm asking you to look at this from the  
22 perspective of this is something that you owe to your country.

23 Okay. Having said that, is there anyone for whom this  
24 would be an extreme hardship to do the jury duty for the three  
25 weeks? Hold up your numbers.

1 33, 34, 36, 39, 44, 45, 46, 54, 55, 50, and 51 and 59.

2 That's 12. We had eight on the first one, yes.

3 UNIDENTIFIED JUROR: I just have a question.

4 Can you reiterate when the trial is going to begin? When  
5 do we have to have service?

6 THE COURT: The trial begins tomorrow morning, and it  
7 will go Monday through Friday this week, next week, and into the  
8 next week.

9 UNIDENTIFIED JUROR: Okay. I thought you said it was  
10 starting in three weeks.

11 THE COURT: No, it takes three weeks.

12 UNIDENTIFIED JUROR: It would last three weeks?

13 THE COURT: Yes.

14 UNIDENTIFIED JUROR: Okay. Thank you.

15 THE COURT: Juror No. 33, tell me why.

16 JUROR NO. 33: We have a family vacation planned  
17 starting on Friday the 17th, with lodging booked.

18 THE COURT: Okay. No. 34?

19 JUROR NO. 34: I have a family vacation with my wife  
20 and children starting on the 20th, that whole week.

21 THE COURT: Juror No. 36?

22 JUROR NO. 36: I have a family vacation booked  
23 starting on the 26th, including flight and lodging. In  
24 addition, I'm CEO of a software company, and before that  
25 happens, I have meetings that I need to line up so I can pay my

1 employees.

2 THE COURT: 39?

3 JUROR NO. 39: I work for a small nonprofit  
4 organization, and I'm one of the third persons to close the  
5 fiscal year and during an audit month in June.

6 THE COURT: Okay. No. 44?

7 JUROR NO. 44: My wife is an artist and will be  
8 attending an art festival in Utah June 23rd to 26th, departing  
9 Washington on the 20th.

10 THE COURT: Juror 45?

11 JUROR NO. 45: I have dental surgery on Wednesday,  
12 June 15th.

13 THE COURT: Juror 46?

14 JUROR NO. 46: I have plans in a couple of weeks.

15 THE COURT: Say that again.

16 JUROR NO. 46: I have a vacation coming up in a couple  
17 of weeks. I didn't use the option to postpone my service  
18 because I misunderstood the months. So if I have a chance to  
19 postpone, I would very much like to do that.

20 THE COURT: Okay. No. 50?

21 JUROR NO. 50: I'm a general contractor. I run a  
22 business, so day-to-day operations. I'm going to be in Canada  
23 from the 17th until the 23rd.

24 THE COURT: Juror 51?

25 JUROR NO. 51: Your Honor, I've got a vacation to

1 Mexico, I think, Saturday the 25th. Technically, I could just  
2 fly a few days later and miss the first three days of that  
3 vacation with my family, if you need me to be here.

4 THE COURT: Okay. Thank you.

5 Juror 54?

6 JUROR NO. 54: I'm supposed to be going out of town on  
7 the 20th of June, so, also, I'm happy to postpone my jury duty  
8 to another time, but I'm going to be gone for the week of June  
9 20 to the 25th.

10 THE COURT: All right. Juror 55?

11 JUROR NO. 55: I'm self-employed and I'm the primary  
12 source of income for my wife and 11-month-old baby, as well as  
13 sharing responsibilities with my wife for childcare.

14 THE COURT: And finally, 59?

15 JUROR NO. 59: A friend of mine is having surgery, and  
16 I agreed to travel to Eastern Washington to watch her animals  
17 next week, and then I also have a trip to Hawaii, departing on  
18 the 25th.

19 THE COURT: Okay. Thanks.

20 JUROR NO. 35: Your Honor, I just want to add, I think  
21 I misunderstood the definition of "extreme hardship." But if  
22 trips out of town qualify, I also had one of those planned, and  
23 I am starting a new job, yesterday, but I postponed it for this.

24 THE COURT: And are you 35?

25 JUROR NO. 35: I'm No. 35. I didn't initially

1 consider that extreme hardship.

2 THE COURT: You're right. It isn't an extreme  
3 hardship, but it is a hardship. Okay.

4 Well, I'm going to let 33, 34, 35, and 36 go. Thank you  
5 very much. 44, you can go; 45, you can go; 46 and 50, you can  
6 go.

7 Okay. The rest of you stay for now. I'll check my numbers  
8 and see where we are at the end of this.

9 Okay. How many of you have heard about this supposed  
10 hacking of Capital One at any point? It happened in mid 2019.  
11 Okay. 41, 42, 48, 51, 54, 52, 56, 32.

12 Are any of you Capital One customers and might have been  
13 even notified by Capital One that there'd been this breach? 55  
14 and 49.

15 All right. Do any of you think you could not be fair and  
16 impartial in this case, considering that you're Capital One  
17 customers? Why would you think you couldn't be fair and  
18 impartial?

19 JUROR NO. 49: I've been the victim of identity theft  
20 at least four times, and it's going to be difficult for me to  
21 keep an open mind.

22 THE COURT: Yeah, okay. Any other people have been  
23 victim of identity theft? I mean, we all have, let's face it.  
24 Mr. Upside-Down 55?

25 JUROR NO. 55: Yeah, I've also been a victim of

1 identity theft as well. I find it very hard to believe and  
2 pinpoint how that really is carried out. In my mind, it is  
3 completely absurd.

4 THE COURT: Let's go through the jury selection  
5 process. You stay around, and then we'll take it from there,  
6 but I'm likely to grant your dismissal due to your situation.

7 Okay. Is there anyone who feels they can't be fair and  
8 impartial to the government because, you know, the government  
9 doesn't always tell the truth? When this crime happened, the  
10 President of the United States wasn't always telling the truth.  
11 Does anyone not want to be a part of this. Anyone?

12 JUROR NO. 55: That's what I mean. Your last  
13 statement.

14 THE COURT: Okay. You can go. Thank you, 55.

15 He didn't want to be here. We're not going to force him to  
16 be here. Everyone else I will force to be here. He did not  
17 seem like he had an open mind to anything, except getting the  
18 heck out of here.

19 Okay. Ordinarily, we would have picked a jury all in one  
20 fell swoop. We're trying to keep yourselves safe and ourselves  
21 safe. Please keep your mask on, but when you're talking, please  
22 stand and project, because my poor court reporter here has to  
23 write everything down, and it's especially hard for her when you  
24 are masked and not speaking up. We would appreciate that.

25 All right. Up here on the board it asks your name so we

1 can hear it pronounced correctly. This will not stop the  
2 lawyers from mispronouncing it, but so be it.

3 We're asking where you live. And if you live in Seattle,  
4 tell me Seward Park, West Seattle, Blue Ridge. If you live in  
5 Mount Vernon, I don't need to know the neighborhood. No offense  
6 to Mount Vernon.

7 And if you're from Whatcom County, you don't have to tell  
8 me your leisure activities. I know it's kayaking.

9 So we'll start with Ms. XXXXXXXXXX. Please stand up and  
10 tell us about yourself.

11 JUROR NO. 31: My name is XXXXXXXXXXXXXXXXXXXX. I live in  
12 Woodinville. My occupation, I was a commercial electrician.  
13 I'm now retired; occupancy of household, my husband is a  
14 commercial electrician and my daughter works in the IT  
15 department at a community bank. And I don't remember the years,  
16 but they were early 2000, I was on a  
17 possession-with-intent-to-distribute-marijuana case.

18 THE COURT: Down at the Maleng Regional Center?

19 JUROR NO. 31: Yes, in Kent. And I was also on a DUI  
20 charge.

21 THE COURT: Did you have any experience deliberating  
22 and reaching verdicts in those cases?

23 JUROR NO. 31: Yes.

24 THE COURT: And your leisure activities?

25 JUROR NO. 31: I'm doing a lot of gardening right now.



1 Now that I'm retired, I'm plucking weeds and gardening and just  
2 running around with my new little dog.

3 THE COURT: Great. Thank you.

4 Mr. XXXXX?

5 JUROR NO. 32: XXXXXXXXXXXXX. I live in Mill Creek.  
6 My occupation, I am an engineer; others in my household, my wife  
7 is a homemaker and my kids are students in school. I've been on  
8 one case as a juror over 30 years ago. I believe it was  
9 superior court here in Seattle, a criminal case.

10 THE COURT: It says a child molestation.

11 JUROR NO. 32: Right.

12 THE COURT: Did you have the experience of  
13 deliberating and reaching a verdict?

14 JUROR NO. 32: Yes.

15 THE COURT: Were you the presiding juror?

16 JUROR NO. 32: No.

17 THE COURT: And your leisure activities?

18 JUROR NO. 32: I love to get up into the mountains.

19 THE COURT: That says it all.

20 Juror No. 37, Ms. XXXXX?

21 JUROR NO. 37: My name is XXXXXXXXXXXXX, and I live in  
22 Maple Valley. I was a para educator for the last ten years, and  
23 I just stopped this last week, so I guess I'm really retired.  
24 My husband is an IT programmer. We do have a son who lives at  
25 home, and he's in manufacturing, 3D printing. I was on one

1 other jury in Seattle. I think it was the King County court.  
2 It was a drug-dealer case.

3 THE COURT: Did you deliberate and reach a verdict in  
4 that case?

5 JUROR NO. 37: Yes.

6 THE COURT: And were you the presiding juror?

7 JUROR NO. 37: No.

8 THE COURT: And your leisure activities?

9 JUROR NO. 37: Hiking, kayaking, gardening.

10 THE COURT: Very Northwest.

11 JUROR NO. 37: Yes.

12 THE COURT: Thank you.

13 Juror No. 38, Mr. XXXXXXXX?

14 JUROR NO. 38: XXXXXXXXXXXXXXXX, and I live Seattle. I'm  
15 an architect. My wife is a teacher to high school students, who  
16 are living at home with us. I have not served on a jury before.  
17 My favorite activities are camping with the family and  
18 bicycling.

19 THE COURT: And your neighborhood is Seattle?

20 JUROR NO. 38: The neighborhood? The Mount Baker  
21 neighborhood.

22 THE COURT: Okay. Ms. XXXXXXXX?

23 JUROR NO. 39: My name is XXXXXXXXXXXXXXXX, and I live in  
24 the Shoreline area, in Washington. My occupation is, I'm an  
25 accountant for a non-profit organization. My husband is a

1 landscaper. I have a son who is a college student right now. I  
2 haven't attended any jury duties here or anywhere. My leisure  
3 times are spent playing Pickleball and keeping myself active,  
4 and gardening.

5 THE COURT: Pickleball is the new sport of the state  
6 of Washington, right?

7 JUROR NO. 39: Yes.

8 THE COURT: The official sport.

9 JUROR NO. 39: Yes.

10 THE COURT: Which is terribly embarrassing.

11 JUROR NO. 39: We need more of it.

12 THE COURT: One time I was doing, this picking a jury,  
13 and we ask who your employer is, and the person I'm asking says,  
14 "I'm a fundraiser for a nonprofit organization," and I looked  
15 down, and it says he works for the IRS. I think that's  
16 stretching things. But your nonprofit organization is KUOW?

17 JUROR NO. 39: Yes.

18 THE COURT: Why don't you say that? Everybody loves  
19 public radio.

20 JUROR NO. 39: KOUW.

21 THE COURT: Mr. XXXXXXXX?

22 JUROR NO. 41: My name is XXXXXXXXXXXX. I live in  
23 West Seattle. I'm a continuous improvement manager. I live  
24 alone. I wish I didn't. I need the income. I served on a jury  
25 about eight years ago. It was an auto-theft case. My hobbies:

1 working in the yard, hiking, biking, running.

2 THE COURT: And did you have the experience of  
3 deliberating and reaching a verdict?

4 JUROR NO. 41: Yes.

5 THE COURT: Were you the presiding juror?

6 JUROR NO. 41: No.

7 THE COURT: Thank you so much.

8 Mr. XXXXXXXX?

9 JUROR NO. 42: My name is XXXXXXXXXXXXX. I'm a project  
10 manager for Puget Sound Energy. My wife is a teacher and a  
11 squash instructor. I have served on a King County case,  
12 criminal, and we did reach a verdict, and I was not the foreman.

13 THE COURT: Good anticipating. Thank you.

14 JUROR NO. 42: And just like everybody else, I like  
15 the outdoors: Bicycling, swimming, you name it.

16 THE COURT: Excellent. Thank you so much.

17 Mr. XXXXX?

18 JUROR NO. 43: My name is Jesse Smith. I currently  
19 reside in Ballard. I'm a software engineer. I have one  
20 roommate who is a budtender. I never served as a juror before.  
21 A couple of my favorite leisure activities would be hiking and  
22 playing music.

23 THE COURT: This is, obviously, going to be a  
24 computer-techie case, because we're talking about getting into  
25 places that most people don't get into, right? So I want to ask

1 you, misconfigured web application firewalls, does that mean  
2 something to you?

3 JUROR NO. 43: I'm not super familiar with firewalls,  
4 no.

5 THE COURT: I'm just giving people an idea; these are  
6 the kinds of things we're going to be dealing with. Identity  
7 and access management, IAM.

8 JUROR NO. 43: I'm not really familiar with those  
9 terms.

10 THE COURT: Okay. The Onion Router?

11 JUROR NO. 43: No.

12 THE COURT: Reverse proxy?

13 JUROR NO. 43: Yeah.

14 THE COURT: Hypervisor?

15 JUROR NO. 43: No.

16 THE COURT: Gists?

17 JUROR NO. 43: No.

18 THE COURT: And this is a guy who works in the  
19 business. It's going to be a challenge. I'm not picking on  
20 you. I'm telling everyone this case is going to be a challenge.

21 You know, sometimes we have interpreters who help us out  
22 when we have a witness who speaks a foreign language. We don't  
23 have interpreters for tech. It's going to be a struggle. It's  
24 been a struggle for me, it's been a struggle for some of the  
25 lawyers, but we'll get through this. We'll get through this

1 together, but it is not going to be your typical criminal case.  
2 I just want people to know that.

3 Okay. Moving out into the audience, could you help me out?  
4 No. 47, Mr. XXXXXXXX?

5 JUROR NO. 47: XXXXXXXXXXXXXXXX. I live in Snoqualmie  
6 Ridge. I'm a product manager for a wireless company here in the  
7 Seattle area. My wife is a teacher.

8 THE COURT: You sat on a jury before?

9 JUROR NO. 47: Once before, probably 20-something  
10 years ago. I think it was a drug case. I was the foreperson.

11 THE COURT: You reached a verdict?

12 JUROR NO. 47: We did reach a verdict, yes.

13 THE COURT: And your leisure activities?

14 JUROR NO. 47: I'm a big fisherman, and I coach my  
15 kids in sports.

16 THE COURT: Mr. XXXXXX?

17 JUROR NO. 48: XXXXXXXXXXXXXXXX. I live in Edmonds. My  
18 wife and I are part owners of a very small software company in  
19 Spokane. We're mostly retired now, but we do provide some  
20 backup for our company when people are on vacation and such.

21 THE COURT: And you sat on a jury in Spokane County?

22 JUROR NO. 48: I did, about 15 years ago.

23 THE COURT: A drive-by shooting. I didn't think those  
24 things happened in Spokane.

25 JUROR NO. 48: Well, this was a gang out of L.A. They

1 travel.

2 THE COURT: Did you deliberate and reach a verdict?

3 JUROR NO. 48: Yes, we did.

4 THE COURT: Were you the presiding juror?

5 JUROR NO. 48: I was the foreman, yes.

6 THE COURT: Are you tech savvy?

7 JUROR NO. 48: A little bit. The software I support  
8 is accounting software.

9 THE COURT: So it is a specialty area?

10 JUROR NO. 48: Very much so.

11 THE COURT: And you look marvelous for 80 years old.

12 JUROR NO. 48: Now you've told people how old I am.

13 THE COURT: Well, I told the morning group I'm 71, and  
14 that's considered middle aged in the federal judge profession.  
15 We have lifetime appointments, so we have judges that are way  
16 past your age. Thank you.

17 Ms. XXXXXXXXXXXXXXXX?

18 JUROR NO. 49: XXXXXXXXXXXXXXXX. I live in Snohomish.  
19 I am a commercial insurance broker. My husband is a chef. I  
20 have not served as a juror, and I enjoy running and going to  
21 musical concerts.

22 THE COURT: Okay. Thank you.

23 Help me out. Who is next?

24 JUROR NO. 51: I'm XXXXXXXXXXXXXXXX. I moved back to  
25 Sammamish three years ago from the San Francisco Bay Area. I

1 recently moved in with my girlfriend in Bellevue, Washington.  
2 I'm a senior software engineer at Apple. I've been there for  
3 five and a half years, so firewalls and The Onion Router are  
4 familiar to me.

5 THE COURT: You understand all that stuff?

6 JUROR NO. 51: Yeah, some of it. I'm not an expert.  
7 I've heard about them and read about them on Wikipedia.

8 THE COURT: Did you hear about this situation with  
9 Capital One?

10 JUROR NO. 51: I remember the hack, and there was,  
11 like, a series of stuff around that time, credit unions also  
12 getting attacked. But I don't know the specifics of the case,  
13 so I think that's good.

14 But in terms of, like, being a juror for the case, yeah,  
15 other than that I just know about the hack.

16 THE COURT: And the word "hack" is going to appear in  
17 this case, and there are certain words that, in business, mean  
18 one thing, and in the law, they can mean something else. We're  
19 going to throw around "cryptomining" and "hacking" and  
20 "cryptocurrency" and other terms. But when you need to know the  
21 legal term, I will define it for you in the jury instructions.  
22 So we all have these vernaculars, where we say, "Yeah, the  
23 neighbor across the street, they were robbed. Someone broke  
24 into their garage and stole their lawn mower." That's not a  
25 robbery, technically, in the law, because a robbery is off the



1 person. No, it's a burglary, or something like that. But  
2 people use a vernacular and say, "I got robbed."

3 So we'll have some of that with certain phrases. Don't get  
4 one way or the other about them. But "hack" is a perfect  
5 example of it, so I wanted to go over it with you.

6 Mr. XXXXXXXX, you were in the Bay Area, and then you came up  
7 here. Does Apple have a campus here?

8 JUROR NO. 51: Yes. They were in the Two Union Square  
9 building, but they just built a new building on Dexter that's  
10 solely Apple.

11 THE COURT: South Lake Union. I thought I saw an  
12 "Apple" sign.

13 JUROR NO. 51: During COVID.

14 THE COURT: Do you like it here, or do you prefer the  
15 Bay Area?

16 JUROR NO. 51: I miss the weather a lot, but I moved  
17 up here to be with my now-girlfriend, so I'm very happy to be  
18 with her.

19 THE COURT: Yeah. I always say June is one of our  
20 best winter months.

21 UNIDENTIFIED JUROR: I should mention, my wife, she's  
22 a campaign manager for an elected congresswoman for Washington  
23 State.

24 THE COURT: Which one?

25 UNIDENTIFIED JUROR: Kim Schrier.

1 THE COURT: Dr. Kim Schrier. That's perfectly fine.  
2 We like her.

3 Ms. XXXXX?

4 JUROR NO. 52: I'm XXXXXXXXXXXXX, and I live in  
5 Kirkland, Washington. I'm in corporate investment banking for a  
6 large, national bank, specializing in the technology industry,  
7 early startups and growth companies in the Pacific Northwest.

8 My husband is retired. He was formerly in the  
9 telecommunications business. I served on a jury in the last ten  
10 years; both came to a decision. I was the foreperson on one of  
11 them. One of them was more like a domestic restraining order.  
12 I'm a banker, so I golf. I love golfing, and pretty much that  
13 involves my family. I seem to be spending a lot of time at my  
14 three grandchildren's baseball games.

15 THE COURT: In the morning session, there was a lot of  
16 Wells Fargo bashing going on.

17 JUROR NO. 52: I'm used to that.

18 THE COURT: They definitely have sins to atone for, as  
19 does Washington Mutual, et cetera.

20 How do you feel about the banking business? The  
21 reputation, is that fair or unfair?

22 JUROR NO. 52: I think commercial banking is a  
23 difficult industry to be in. There is a lot of regulations on  
24 it, especially Wells Fargo since we've had our mistakes. I  
25 think there is a lot of really good and smart people at Wells

1 Fargo, and then there are a few that took advantage of a  
2 situation that I wish wouldn't have happened. But, in general,  
3 we need our banks. The banks are the background for the small  
4 companies that seem to be getting up and going.

5 THE COURT: Thank you.

6 JUROR NO. 54: XXXXXXXXXXXXXXXXXXXX. I live in Burien.  
7 I'm a homemaker for the last 30 years, since I married my  
8 husband. Prior to that, I was an administrative assistant and  
9 legal secretary for a corporate law firm. My husband owned a  
10 chain of secondhand stores in Chicago, but was originally from  
11 Seattle, so we came back here. I did serve on a jury about 40  
12 years ago. It was a civil case. I don't really remember what  
13 it was. Possibly a domestic dispute. We came to a verdict, and  
14 I was the foreman.

15 THE COURT: A lot of jury foremen out there.

16 JUROR NO. 54: My favorite leisure activities: I  
17 golf, play pickleball. And I want everyone to know I'm a friend  
18 of Frank Pritchard, and pickleball was not named after the dog.  
19 Anyway, I dance hula, and I garden.

20 THE COURT: Thank you very much.

21 The next person, is that Mr. XXXXXXXX?

22 Oh, 56 would be Ms. XXXXXXXX.

23 JUROR NO. 56: My name is XXXXXXXXXXXXXXXXXXXX. I live in  
24 Renton, Washington. I'm an IT project manager at a wireless  
25 company.

1 THE COURT: Could you project your voice, please?

2 JUROR NO. 56: I'm an IT project manager at a wireless  
3 company. My boyfriend works at Microsoft as a technical writer,  
4 and I was on a jury maybe 10, 15 years ago. We did deliberate  
5 and come to a verdict. I was not the foreman. I like to garden  
6 and exercise and spend time with my granddaughter.

7 THE COURT: Okay. Thank you.

8 Ms. XXXXXXXXXXXX?

9 JUROR NO. 57: I'm XXXXXXXXXXXXXXXX. I live in Seattle,  
10 in Wallingford, and I work at Fred Hutch Cancer Center. I study  
11 evolution. My husband is also a scientist. I cannot read that  
12 board.

13 THE COURT: Have you ever sat on a jury?

14 JUROR NO. 57: I never sat as a juror, never.

15 THE COURT: And your favorite leisure activities?

16 JUROR NO. 57: I also golf, and I just fell in love  
17 with pottery, so I'm a fanatic now. Jury service isn't a huge  
18 hardship for me, but my family reunion is the 27th through the  
19 30th.

20 THE COURT: Thank you.

21 Ms. XXXXXXXX?

22 JUROR NO. 58: I'm XXXXXXXXXXXXXXXX. I live on this  
23 block, at Denny Triangle-ish. I'm moving June 15th to about  
24 another block away, which is on the 15th. I know I didn't bring  
25 that up in the hardship because I didn't think it was extreme,

1 but that would be wonderful. Others in my home are my son. He  
2 just got accepted to Cornish, which is also on this block. I  
3 just served as a juror, postponed this jury service for that  
4 continued jury service that started in February, and I finished  
5 last Thursday. It was a long haul.

6 THE COURT: Please, soak that up. Okay? She just sat  
7 on a four-month civil trial. Was it on Zoom?

8 JUROR NO. 58: It was hybrid, and then for closing  
9 arguments and deliberations, we were at the King County  
10 Courthouse. So for about eight days it was in person down on  
11 Third Avenue.

12 THE COURT: And this was an asbestos case?

13 JUROR NO. 58: PCBs in Monroe.

14 THE COURT: Monsanto was the defendant, and they were  
15 polluting Puget Sound?

16 JUROR NO. 58: No. It was Sky Valley, a school  
17 district harmed by PCBs in their school.

18 THE COURT: I see. And you just finished that up?

19 JUROR NO. 58: Yes.

20 THE COURT: And you reached a verdict?

21 JUROR NO. 58: Yes, we reached a verdict. I was not  
22 the foreperson.

23 THE COURT: This is not going to be hybrid or Zoom.  
24 This is going to be in person the entire time, which you only  
25 had for opening statements, closing arguments, and deliberations

1 in the trial you just finished.

2 JUROR NO. 58: Yes, I know.

3 My leisure activities are watching Storm basketball, and  
4 I'm in a book club.

5 THE COURT: And you're willing to serve on another  
6 jury?

7 JUROR NO. 58: I asked the judge if I got a free pass,  
8 and she said, no, that's a whole different court.

9 THE COURT: Would you like to skip this one?

10 JUROR NO. 58: Yes.

11 THE COURT: Go ahead. We really appreciate that you  
12 didn't kick and scream and everything. Really, I commend you  
13 for your service.

14 JUROR NO. 58: Thank you.

15 THE COURT: Okay. Lastly, Ms. XXXXXXXX -- oh, no,  
16 there's Mr. XXXXXXXXXXXX, too.

17 JUROR NO. 59: XXXXXXXXXXXX. I live on Vashon  
18 Island. I work at a museum as curator. I'm the only one in my  
19 household. I did serve on a jury in 2017, in the Okanogan  
20 County, a case was regarding breach of a restraining order and  
21 domestic violence. We deliberated and reached a verdict. And  
22 I, like everyone else, I enjoy anything outside: rock climbing  
23 snowboarding, backpacking, anything.

24 THE COURT: A museum is in Wenatchee?

25 JUROR NO. 59: Yes.

1 THE COURT: And you're in Vashon?

2 JUROR NO. 59: Yes. I commute a couple of times a  
3 month and Zoom.

4 THE COURT: And, finally, Mr. XXXXXXXXXXXX.

5 JUROR NO. 60: XXXXXXXXXXXXXXXXXXXX. I live in Renton.  
6 I'm an IT recruiter for Amazon. My wife is a product project  
7 manager for an educational consulting company. I've not ever  
8 been on a jury. I golf. I live on a golf course, and it's  
9 heartbreaking to be here when it's sunny outside.

10 THE COURT: Okay. Thank you very much.

11 All right. Ms. Manca?

12 MS. MANCA: Your Honor, would it be all right to take  
13 a break?

14 THE COURT: Let's take ten minutes rather than 15.  
15 Come back at 17 minutes after 2:00. Please go back to the seats  
16 that you're in, and you can either go downstairs to the  
17 restrooms there, or we have restrooms on this floor. Okay.  
18 Great. We're adjourned.

19 (Court in recess 2:02 p.m. to 2:16 p.m.)

20 THE FOLLOWING PROCEEDINGS WERE HELD  
21 IN THE PRESENCE OF THE JURY POOL:

22 THE COURT: Ms. Manca, go ahead.

23 MS. MANCA: Good afternoon. This is a tough time  
24 slot, after lunch, to be having this conversation, and thanks  
25 for being with us on this beautiful, sunny day.

1 I'm going to follow up on some of these questions. We were  
2 talking about service to our country, through jury service, one  
3 of the foundations of our judicial system is a fair and  
4 impartial jury, and so that's the spirit that I'm asking you  
5 these questions. It is really to get at anything that is in  
6 your gut about why you think you may not be a fair and impartial  
7 juror to either side. What we're looking for is just anything  
8 that pops into your head. So thank you for taking the time  
9 today.

10 Is there anyone that got the jury summons in the mail and  
11 was like, "Yes, service to my country"? A show of hands. Okay.  
12 This is Juror 51. Can you tell us about that?

13 JUROR NO. 51: So my dad is a criminal defense  
14 attorney, and so I when I was a kid, I saw some of the cases,  
15 and it's always kind of interested me, but I've never been  
16 selected for jury service before.

17 MS. MANCA: Have you been in a panel where people have  
18 asked you questions?

19 JUROR NO. 51: No.

20 MS. MANCA: This is your first time?

21 JUROR NO. 51: The last time I was in a courtroom was  
22 when I was nine years old.

23 MS. MANCA: Your dad is a criminal defense attorney?

24 JUROR NO. 51: Yes.

25 MS. MANCA: And do you talk with him about his work?



1 JUROR NO. 51: Yeah, he talks to me about the cases.  
2 So, yeah, we talk about, like, cases he's won and lost and what  
3 happened in the courtroom.

4 MS. MANCA: Okay. Obviously, I'm a prosecutor. Is  
5 there anything I should be concerned about in your ability to be  
6 fair, if your dad is a defense attorney?

7 JUROR NO. 51: That's a really good question. For me,  
8 I feel like he's really close with a lot of prosecutors and  
9 stuff, so I'm kind of seeing both sides. And I've got friends  
10 who hate attorneys and have bad things to say about them.  
11 "Well, that's my dad." But it is kind of difficult because I'd  
12 like to say, "Oh, yeah, I think I would be fair," I think it's  
13 hard because I've never been a juror before, and I don't have  
14 any kind of fundamental, like, belief that, oh, you know, the  
15 prosecution is the enemy, or anything like that.

16 MS. MANCA: Yeah. And also, if you came home and said  
17 there was a guilty verdict, would your dad be, like, "gasp"?

18 JUROR NO. 51: No.

19 MS. MANCA: Was anybody else excited to have jury  
20 service?

21 UNIDENTIFIED JUROR: I, actually, was a little bit  
22 excited, because when I was on the juries before, I was  
23 working -- I wasn't working in the field, I was in the office --  
24 so it was long days doing jury, and then doing your real work at  
25 night. And so this is like, well, I'm not working now, it might

1 be more leisurely and enjoyable.

2 MS. MANCA: So you were previously a juror?

3 UNIDENTIFIED JUROR: Yes.

4 MS. MANCA: And you how did you find that jury  
5 service?

6 UNIDENTIFIED JUROR: Oh, it was fine.

7 MS. MANCA: Did you get along with the jurors, and it  
8 was a good experience?

9 UNIDENTIFIED JUROR: Yes.

10 MS. MANCA: Who are the people who opened up the jury  
11 summons and were, like, "Oh, no, jury summons"?

12 Juror No. 60, in the back, can you tell me about that  
13 apprehension?

14 JUROR NO. 60: Yes. I haven't been working in my  
15 office, right down the road, since the beginning of the  
16 pandemic. This is the first time I've been back to my office in  
17 two and a half years. I did not miss driving to Seattle every  
18 day.

19 MS. MANCA: Yeah, Downtown Seattle. So it was the  
20 location?

21 JUROR NO. 60: Mostly.

22 MS. MANCA: I'm sure a lot of people are like,  
23 "Downtown Seattle? How do I get there?" Anyone else?

24 UNIDENTIFIED JUROR: This is my fourth or fifth time.  
25 I've got to go through the effort and clear my schedule, but

1 it's not an inconvenience. I can do it. A jury summons is not  
2 a pleasant thing to get, because you have to clear your schedule  
3 and make arrangements and everything.

4 MS. MANCA: Absolutely. And we totally recognize the  
5 "duty" part of jury duty. I appreciate you sharing that  
6 perspective.

7 Anyone else?

8 Is there anyone who feels like they'd describe themselves  
9 as someone who loves to learn? Great, some hands.

10 Sir, what is your number? 41. Thank you, sir.

11 You like to learn? What do you like to learn?

12 JUROR NO. 41: My job is continuous improvement, so  
13 I'm always looking for opportunities to learn about what's going  
14 on. I look for opportunities to improve things, both for people  
15 who are involved and people who are recipients or customers.

16 MS. MANCA: What kind of company?

17 JUROR NO. 41: F5.

18 MS. MANCA: What is that?

19 JUROR NO. 41: Network data trafficking and security.

20 MS. MANCA: Are you comfortable with technology?

21 JUROR NO. 41: No.

22 MS. MANCA: No?

23 JUROR NO. 41: When the judge asked, Have you heard of  
24 this and this, I've heard of things, but I'm not a technical  
25 person. My background is in organizational performance, so it's

1 about what goes on between people and the operation, not really  
2 the technical works.

3 MS. MANCA: Got it. Thank you for that.

4 Juror No. 43, would you mind telling me about how you feel  
5 about learning?

6 JUROR NO. 43: Yeah. I love learning. That's why I'm  
7 a software engineer. I've taught myself how to play guitar and  
8 piano. I really believe in constantly learning. It is  
9 important to me.

10 MS. MANCA: Thank you very much.

11 Juror No. 49?

12 JUROR NO. 49: I just think continuing your education  
13 throughout your entire life should be a baseline, I guess. My  
14 mom was a big advocate; if you're not learning something, you're  
15 dying. I think that's really an important piece for growth.  
16 Like, I'm not the same person today as I was five years ago.

17 MS. MANCA: What do you like to learn?

18 JUROR NO. 49: Everything. I thought I was going to  
19 be a teacher, but I just landed somewhere else and forgot to  
20 leave. I love math. I love music, but I'm not musical at all.  
21 I have no skill set.

22 MS. MANCA: The insurance broker. I should know what  
23 that is, but can you explain?

24 JUROR NO. 49: I'm a middleman. I specialize in large  
25 construction firms, and so I help large construction companies

1 place the insurance for their business. I don't work for a  
2 carrier; I work for construction clients, finding the best  
3 product for them.

4 MS. MANCA: Thank you. That clarifies.

5 Anyone else? Juror No. 57?

6 JUROR NO. 57: What is the exact question?

7 MS. MANCA: You raised your hand for loving to learn,  
8 and I was interested about that.

9 JUROR NO. 57: Well, my job is to learn as much as  
10 possible, but I mean...

11 MS. MANCA: You work at Fred Hutch?

12 JUROR NO. 57: Yeah, and every day you learn something  
13 new from your colleagues or through yourself.

14 The other day I learned that certain insects are males if  
15 they have one copy of the chromosome or they are female if they  
16 have two. They don't have X, Y. Little things like that are  
17 exciting to me.

18 MS. MANCA: Absolutely. Great. Thank you.

19 MS. MANCA: Juror No. 56?

20 JUROR NO. 56: I love to learn. I focus on health and  
21 longevity.

22 MS. MANCA: And you are a tech project manager at  
23 AT&T?

24 JUROR NO. 56: Yes.

25 MS. MANCA: The technology terms, were those familiar

1 to you?

2 JUROR NO. 56: I was aware of them, working as a  
3 software developer in IT for quite a number of years.

4 Thank you very much. Anyone else?

5 JUROR NO. 59: I have been a teacher for over 20  
6 years, and now I'm a curator of education in a museum. Learning  
7 is my thing, absolutely.

8 MS. MANCA: Who do you typically teach?

9 JUROR NO. 59: I don't teach anymore. I used to teach  
10 elementary school. I developed an alternative program, so I've  
11 had a huge range of teaching. Now I direct educators in the  
12 museum, and I'm not involved in teaching.

13 MS. MANCA: What kind of museum?

14 JUROR NO. 59: A small-town museum and cultural  
15 center.

16 MS. MANCA: Juror 52?

17 JUROR NO. 52: My job as a commercial banker is to  
18 learn the businesses, and I learn the financial aspect and the  
19 technology aspect, and to know the risk to the company and the  
20 bank.

21 Last year, I put in 200 hours in order to get my banking  
22 license. So I'm used to testing and the learning and the  
23 cramming.

24 MS. MANCA: Anyone else?

25 It's a smaller group because we've lost so many.

1           We're living in a time of historic distrust in  
2           institutions. When I say that, I see nods from people who feel  
3           that way. Give me a show of hands if you feel like we're in a  
4           situation of extreme distrust these days. I'm seeing a little  
5           bit of hands. All right.

6           Juror No. 48, can you tell me what you feel when I said  
7           that about distrust of institutions?

8           JUROR NO. 48: When I got the email for jury duty, I  
9           thought it was fake. I did the usual mouse-over-the-link. Then  
10          I actually went to the court's website itself to find out. So I  
11          came through the back door, but came to the same place. I  
12          decided it was legitimate. So whatever can be done to make it  
13          more legitimate-looking would be beneficial. Any of us in the  
14          IT deal with a lot of fake stuff.

15          MS. MANCA: Thank you for saying that. I thought  
16          summons came in the mail.

17          Did anyone else share Juror 48's experience of not wanting  
18          to click on the link? Juror 42? Juror 57?

19          JUROR NO. 57: I totally thought it was phishing for  
20          my identity. I did the same thing.

21          MS. MANCA: Went around to see if it was legitimate?  
22          That's interesting. I wonder about that.

23          Anyone else feel like even sometimes we hear things about  
24          conspiracy theories, ideas regarding -- I don't want to touch  
25          third rails on things like vaccinations and the pandemic

1 response, but does anyone have any strong feelings about the  
2 government or conspiracy theories you're interested in sharing?  
3 Juror No. 43?

4 JUROR NO. 47: Me? 47.

5 MS. MANCA: Sorry. Thank you for standing as well.  
6 You are a product manager at T-Mobile?

7 JUROR NO. 47: Correct.

8 MS. MANCA: How do you feel about technology?

9 JUROR NO. 47: I work on the IT side of the business,  
10 so I'm familiar with many of the terms that were brought up. I  
11 straddle the line between the business and the technology side.  
12 I work closely with some of the more technical people, but I'm  
13 not necessarily one of them. I kind of try to bridge the gap  
14 between what a business needs and how technology can help us  
15 meet those needs.

16 As far as what you were saying, I don't have any conspiracy  
17 theories or believe in any of those things. I relate to how the  
18 government -- anything that happens with the government over the  
19 last few years.

20 MS. MANCA: Thank you so much.

21 Juror No. 39, can I ask you, I don't know what pickleball  
22 is.

23 JUROR NO. 39: Have you played tennis?

24 MS. MANCA: I have.

25 JUROR NO. 39: It's like tennis, but the course is a



1 lot smaller so it makes it less harder for you to run and reach  
2 the ball. It's still hard, but I think it's more fun because  
3 you have a small course that you can run.

4 MS. MANCA: How big are your rackets?

5 JUROR NO. 39: They're completely different than  
6 regular tennis rackets. I can't describe.

7 THE COURT: If ping-pong and tennis had a baby, it  
8 would be pickleball.

9 MS. MANCA: Thank you. That's a good analogy.

10 How do you feel about these topics of distrust of  
11 institutions and conspiracy theories or anything like that  
12 regarding the government?

13 JUROR NO. 39: I don't know a lot about it. I do know  
14 there is talk about people not trusting, you know, certain  
15 sources. I never had the experience, so I don't have anything  
16 against the government or institutions, you know, knock on wood.

17 MS. MANCA: Yeah, right.

18 JUROR NO. 39: But I think you always have to be aware  
19 and have an open mind on different sources, because just like  
20 the government, there are other countries that should be doing  
21 things like that, too.

22 MS. MANCA: Absolutely. Would you describe -- am I  
23 hearing that you feel like you have an open mind as to what the  
24 evidence is and not coming in with any preconceived ideas?

25 JUROR NO. 39: Yes.

1 MS. MANCA: Thank you very much.

2 Juror No. 32, I haven't spoken to you yet.

3 You worked at Boeing. How was your experience at Boeing?  
4 You're retired now?

5 JUROR NO. 32: No, I'm still there. It's been good.  
6 That's why I'm still there.

7 MS. MANCA: How long have you worked at Boeing?

8 JUROR NO. 32: Thirty-six years.

9 MS. MANCA: How do you feel about historic distrust of  
10 institutions?

11 JUROR NO. 32: I don't have distrust in institutions,  
12 but it is run by people, and people make mistakes, right?

13 MS. MANCA: Absolutely. I think we're at a time when  
14 institutions are not being trusted. Do you agree with that or  
15 disagree with that?

16 JUROR NO. 32: Well, I don't know. It seems to be  
17 maybe, yeah, a lot of people maybe have a little less faith in  
18 the government making decisions and maybe Congress passing laws  
19 and legislation, so forth. Maybe these people will see less  
20 productive activity out of Congress, but that seems to be kind  
21 of a player that's been going on for a few years.

22 THE COURT: How about the Boeing Company? I mean,  
23 this is a formerly trusted institution that has gone through a  
24 lot of turmoil over one of their planes. And did the government  
25 cover it up? Did Boeing cover it up? How do you feel about

1 that in terms of working at Boeing?

2 JUROR NO. 32: That's an interesting one; the 737 Max,  
3 the two crashes?

4 THE COURT: Yes.

5 JUROR NO. 32: Certainly I think that put a lot of  
6 doubt in people's minds about how Boeing goes through the  
7 process of designing and producing an airplane and getting it  
8 certified. And also on the FAA side, I think that put a lot of  
9 questions in a lot of people's minds about what FAA's oversight  
10 really is.

11 MS. MANCA: Thank you very much.

12 JUROR NO. 32: You're welcome.

13 MS. MANCA: Juror No. 37, can you tell me about your  
14 work as a para educator?

15 JUROR NO. 37: I was working with older students for a  
16 couple of years, and then I did eight years in preschool working  
17 with a preschoolers program.

18 MS. MANCA: About ten years in that role?

19 JUROR NO. 37: A total of ten years.

20 MS. MANCA: And you're retired now?

21 JUROR NO. 37: Yeah. Basically, I raised kids,  
22 home-schooled all my kids, and then I'd visit schools, working  
23 with the kids in developing skills.

24 MS. MANCA: And your husband or partner is a software  
25 systems engineer?

1 JUROR NO. 37: Yeah, like a software developer.

2 MS. MANCA: So in talking about being fair to the  
3 government and thinking about things, do you feel like you bring  
4 any preconceived notions into the courtroom today?

5 JUROR NO. 37: Until recently, my daughter was working  
6 for Wells Fargo, and one of the reasons she left is the general  
7 value of their reputation from the recent scandal.

8 MS. MANCA: So that's a great pivot to talk about  
9 banking. You heard of Capital One is going to be involved in  
10 this case. Do you feel like any of your experience that your  
11 husband had on the banking side would affect the way that you  
12 listen to the evidence?

13 JUROR NO. 37: I don't know. I mean, he's complained  
14 an awful lot in the past. I would try to keep an open mind.

15 MS. MANCA: Do you feel it would be hard to do that?

16 JUROR NO. 37: There's a lot of things that go on.  
17 Upper management, I think those -- yeah, I was saying a lot of  
18 upper management's decisions weren't good in the past, but I  
19 think they're pretty much gone now.

20 MS. MANCA: All right. Thank you. I appreciate so  
21 much your honesty, because this is like we know what happened,  
22 right?

23 JUROR NO. 37: Right.

24 MS. MANCA: Thank you very much for sharing that.

25 Do you have any perspective on something Juror No. 37 said

1 or anything else that's been said that resonated with you?

2 UNIDENTIFIED JUROR: Well, I have a healthy distrust  
3 of institutions, but I don't think there are government  
4 conspiracies or anything like that. I don't have any personal  
5 negative experiences with banks or anything like that.

6 MS. MANCA: Okay. You said a healthy distrust of  
7 institutions. Can you describe what you mean by that?

8 UNIDENTIFIED JUROR: Well, I mean, I worked for a  
9 large architecture firm for a long time, and I eventually just  
10 got tired of that, the corporate world, I guess, and went out on  
11 my own 20 years ago.

12 MS. MANCA: So it was the corporateness of it and the  
13 politics of it as opposed to the government or --

14 UNIDENTIFIED JUROR: Yes.

15 MS. MANCA: Anyone else feel that distrust of  
16 institutions? What about banks? We have Juror 52, who works  
17 for a bank. It sounds like you've heard a lot of this banking  
18 stuff happening in the world, and people talk to you as a  
19 banker. Can you tell us about that experience?

20 JUROR NO. 52: I can talk about Wells Fargo. I've  
21 work for Wells Fargo since 2009, and I've been in commercial  
22 banking for 30 years, 33 years in four major banks. Like I said  
23 earlier in my introduction, I'm not the person that was  
24 dishonest. I worked with a lot of really great, honest people,  
25 and I think a few bad apples shouldn't spoil the whole

1 institution.

2 We've gone through a really tough time in recent years, and  
3 I just -- I don't know what to say, except we are a trustworthy  
4 organization and I'm a trustworthy individual. That's how I  
5 sell myself to my clients to fulfill that relationship with them  
6 individually.

7 MS. MANCA: And here I am putting you on the spot in  
8 this voir dire.

9 Is there anyone else?

10 Another topic in the case will be about credit cards or  
11 credit card information. Do people have strong feelings about  
12 credit card companies? Again, thinking of Capital One.

13 Is there anyone who feels that, for whatever reason at all,  
14 they would not feel comfortable judging the conduct of another  
15 person? Sometimes that could be for religious beliefs or "I  
16 don't feel comfortable looking at the facts in evidence and  
17 making a decision about something like that." Anyone for whom  
18 that rings true? I don't see any hands.

19 JUROR NO. 37: Can you explain that more in detail?

20 MS. MANCA: Yes.

21 At the end of the case, the judge is going to instruct you  
22 on the law that applies in this case, and you'll consider the  
23 facts and you'll decide if the government has met its burden of  
24 proof beyond a reasonable doubt. But sometimes people think,  
25 even though the government's proved its case beyond a reasonable

1 doubt, "I just can't reach a verdict because that  
2 decision-making process is too hard."

3 Some people might feel that way, and I just want to see if  
4 that probability applies to any of you; that "I have trouble  
5 making decisions or trouble looking at evidence or making those  
6 decisions."

7 JUROR NO. 37: I think I might have trouble with that.  
8 I'm a sensitive person, and sometimes, even though there could  
9 be the evidence, I'm afraid that I couldn't be impartial because  
10 I'm looking at the person's history, who they are, and so I  
11 don't know how -- how well, you know, trying to be fair in the  
12 judgment on that.

13 MS. MANCA: Thank you for sharing that perspective.

14 Is there anyone else who agrees with Juror 37 on the  
15 difficulty of that kind of process?

16 I'm not seeing any hands, so I'm going to sit down. It is  
17 the end of my time. Thank you very much.

18 THE COURT: Thanks, Ms. Manca.

19 Mr. Hamoudi?

20 MR. HAMOUDI: Hello everyone, and thank you for your  
21 patience. I'm going to go to Ms. XXXXXX. I'd like to follow up  
22 with the answer you gave.

23 You talked about the sensitivity of reaching decisions. If  
24 the judge instructs you to be fair and impartial, do you agree  
25 to follow the law as instructed?

1 JUROR NO. 39: Yes.

2 MR. HAMOUDI: So if he tells you you have to set aside  
3 your emotions and your passions and your prejudices and focus on  
4 the evidence, are you willing to do that?

5 JUROR NO. 39: Yes, but, at the same time, you can  
6 analyze the person, why did the person do that, why -- what  
7 drove the person to act in a different way? So even though  
8 there's the evidence, then I feel like sometimes I would be  
9 looking at the person as a human.

10 MR. HAMOUDI: And if you're looking at the person as a  
11 human because, naturally, you're a human yourself, could you  
12 follow the laws anyway and judge the evidence impartially?

13 JUROR NO. 39: Yeah, I'd have to do that. I'm just  
14 saying I don't think it would be easy.

15 MR. HAMOUDI: A lot of people served on juries. This  
16 is the first panel that I've been on where all these people were  
17 on juries.

18 But one question I think would be helpful to listen to you  
19 about is the concept of the Fifth Amendment. We should be  
20 skeptical of our government, and it's been that way for many,  
21 many, many years, and part of that design instilled into it is  
22 this concept that I don't have to talk or defend myself when I'm  
23 accused, and nobody can count that against me, nobody can even  
24 think about that. And it's kind of an unnatural thing to do,  
25 because a lot of people get accused of things in our



1 professional and family lives, and people tend to get defensive.

2 Jurors who have been on juries, how did you set aside that?

3 Mr. XXXXXXXXX, you served on a jury. What was that like?

4 JUROR NO. 41: Well, I think I've been in situations  
5 where you're kind of put on the spot, like I am right now, you  
6 don't always say what you intend to say. So I think the Fifth  
7 Amendment makes sure that if you're not 100 percent certain on  
8 the words that you need to use to get your message across, you  
9 shouldn't have to speak and incriminate yourself by accident.

10 MR. HAMOUDI: Could you imagine a variety of reasons  
11 why someone wouldn't want to get on the stand and testify?

12 JUROR NO. 41: Sure.

13 MR. HAMOUDI: What would they be?

14 JUROR NO. 41: Not being able to find the right words  
15 to articulate what you mean to say.

16 I also think the questioning can be a little bit deceptive,  
17 and so you may respond to questions that you don't really have  
18 the answer to but you feel like you have to respond.

19 And I also think that sometimes it's just an  
20 interpretation. You may hear things differently or express it  
21 in a different way, and so it comes across as something that  
22 it's not.

23 MR. HAMOUDI: That's a very good answer.

24 Ms. XXXX, you've been on a jury, correct?

25 JUROR NO. 37: Yes.

1 MR. HAMOUDI: And bringing your experience as a para  
2 educator, is there any reason why somebody would not want to get  
3 up on the stand and testify?

4 JUROR NO. 37: I know I wouldn't want to get up on the  
5 stand and testify, because I would be nervous, not wanting to  
6 talk.

7 MR. HAMOUDI: Okay. Yes, ma'am?

8 UNIDENTIFIED JUROR: When a defendant testifies, it  
9 would be only if the defendant has something to offer. A lot of  
10 times there could be cases where the prosecution is coming up  
11 fact, fact, fact, fact, fact, and if the defendant doesn't have  
12 anything in addition to offer it with the facts, then I wouldn't  
13 expect them to testify.

14 MR. HAMOUDI: Okay. To follow up on that: They don't  
15 have something to offer, but what if they choose not to do that,  
16 and you can't even think about their reasoning? Do you see what  
17 I'm saying?

18 UNIDENTIFIED JUROR: Sure.

19 MR. HAMOUDI: They don't have to get up and offer  
20 anything.

21 UNIDENTIFIED JUROR: Well, the case is decided on the  
22 facts that have been presented to the jury.

23 MR. HAMOUDI: Okay.

24 And Mr. XXXXXXXX, you were a foreperson?

25 JUROR NO. 47: Correct.

1 MR. HAMOUDI: How did you manage the Fifth Amendment?

2 JUROR NO. 47: Well, the burden of proof is with the  
3 prosecution, right? They have to put forth the case and the  
4 facts they believe prove the defendant did what they said they  
5 did, and it's up to the jury to discuss and deliberate the facts  
6 that were presented to them to try to come up with a consensus,  
7 right?

8 MR. HAMOUDI: And then so a flip side to that is this  
9 idea of presumption of innocence, right? This is also another  
10 unnatural instinct. I'd given an example to the first group  
11 that I was driving down Highway 99 and saw two police vehicles,  
12 and my first instinct is, what happened? What did they do? In  
13 the context of the presumption of innocence, I didn't think that  
14 person is presumed innocent.

15 So does anybody have anything to share about how to manage  
16 that presumption? Mr. XXXXXXX, the foreperson, how do you deal  
17 with that?

18 JUROR NO. 47: Can you restate that?

19 MR. HAMOUDI: How do you deal with the presumption of  
20 innocence? It's such an unnatural instinct. I'm going to look  
21 at the facts the prosecutor is presenting and assume you're  
22 innocent through that presumption of innocence lens. How do you  
23 do that?

24 JUROR NO. 47: You can't come in with any preconceived  
25 notions that the individual did what the prosecution said they

1 did. The case lies in the facts that are represented, and those  
2 facts ultimately determine the decision that the jury makes.

3 MR. HAMOUDI: I'm going to flip subjects now.

4 Social media, do people have positive experiences with  
5 social media in here and are willing to share it? Let me talk  
6 to Mr. XXXXXXXXX. Can you stand and talk to us about social  
7 media and your experiences with it?

8 JUROR NO. 51: I mean, I have three siblings. My  
9 sister is 17, and my brother is going to be 14 this August, and  
10 seeing my childhood compared to seeing their childhoods has been  
11 a really good comparison of what I think social media does on  
12 the mental health of children. And I'm just thinking it  
13 destroys children's lives in terms of their mental health, and  
14 they're just sucked in and can't get out of bed.

15 And there is a lot of studies about social network stuff,  
16 and documentaries that have come out on Netflix. I watch a lot  
17 of documentaries about the negative impacts of social media and  
18 what the impact of "likes" does to people and curving algorithms  
19 for social media to influence the thinking of people and to  
20 radicalize them, and I think that's affected our ability to have  
21 a functioning, healthy democracy. It's not legitimate anymore  
22 just sharing from the trustworthy sources. It's damaging our  
23 mental health and democracy in general.

24 MR. HAMOUDI: Anybody else they'd like to share about  
25 social media?

1 UNIDENTIFIED JUROR: Just that I agree 100 percent  
2 with what he said. I have a 16-year-old and a 14-year-old, and  
3 I watch the amount of time they spend on social media, and I see  
4 the impacts on them. I don't see any positives.

5 MR. HAMOUDI: Ms. XXXXXXXXXXXX, the scientist, can you  
6 talk about to me about the scientific algorithms and how you  
7 solve this problem?

8 JUROR NO. 57: Well, you identify what the question  
9 is, which is, whatever you're interested in, and you try to  
10 figure out ways to test your ideas. And you have to do it  
11 rigorously. You have to have replicas and in different ways.  
12 So rigorousness and replicates, and just really analyzing data  
13 properly.

14 MR. HAMOUDI: Are you familiar with the idea of proof  
15 of concept?

16 JUROR NO. 57: Yes.

17 MR. HAMOUDI: What is that?

18 JUROR NO. 57: Well, I mean, you have to show,  
19 unequivocally, that the concept or the idea is true. So -- you  
20 put me on the spot.

21 MR. HAMOUDI: I apologize.

22 JUROR NO. 57: Essentially, you have to show,  
23 unequivocally, that something is true.

24 MR. HAMOUDI: Is it true or not? Okay.

25 Are there any engineers that are on this jury? What is

1 your name, sir?

2 JUROR NO. 32: XXXXXXXXXXXX, No. 32.

3 MR. HAMOUDI: Mr. XXXXXXXXXXXX, how are you doing?

4 JUROR NO. 32: Good.

5 MR. HAMOUDI: There is an engineering concept  
6 called -- and maybe I got it wrong -- it's called garbage in,  
7 garbage out. Is that an engineering process?

8 JUROR NO. 32: I think it's beyond engineering. It's  
9 lots of places.

10 MR. HAMOUDI: So help me understand this idea of  
11 engineering the front end and the back end. Maybe you know it  
12 better than I do.

13 JUROR NO. 32: Related to garbage in, garbage out?

14 MR. HAMOUDI: Yeah.

15 JUROR NO. 32: I think of that as a computer program.  
16 If you don't give good data, like a database, you're not going  
17 to get useful data out. That's how I look at it.

18 MR. HAMOUDI: If you were going to learn something,  
19 what's the best way for an engineer like yourself to process  
20 information?

21 JUROR NO. 32: That's a big question.

22 MR. HAMOUDI: I'll narrow it down.

23 I learn best audio-wise, so I listen to a lot of books on  
24 audio. Some people learn visually, some people learn better  
25 looking at things.

1 JUROR NO. 32: Well, my field, engineering, the best  
2 way is to look at the numbers, the analysis, and see what the  
3 analysis tells us. That's how I view it.

4 MR. HAMOUDI: Who works best in that way, the analysis  
5 approach? Raise your hand, if you can with jury numbers, so we  
6 can see it. Just looking at the analysis of the data.

7 Juror No. 43, you're a software engineer.

8 JUROR NO. 43: I am.

9 MR. HAMOUDI: Can you tell me a little bit about the  
10 type of software engineering that you work on?

11 JUROR NO. 43: I am a web developer for a company  
12 called Minted. They're an upscale Etsy. I primarily work on  
13 the front end, and so I kind of design web pages and stuff like  
14 that.

15 MR. HAMOUDI: And do you rely on Amazon technology?

16 JUROR NO. 43: We use AWS.

17 MR. HAMOUDI: You do? And what aspect?

18 JUROR NO. 43: We use it for EC2 instances, another  
19 way to, essentially, have you store stuff on a server.

20 MR. HAMOUDI: And what familiarity do you have with  
21 the -- what is an EC2 instance?

22 JUROR NO. 43: It is a machine you use. You can  
23 replicate this machine to direct traffic across various machines  
24 to ease the flow of traffic.

25 MR. HAMOUDI: Is that something that your company

1 configured, or does AWS do it for you?

2 JUROR NO. 43: You can configure it to how you want,  
3 but AWS leases to us.

4 MR. HAMOUDI: So you lease it from them, and then you  
5 configure it yourself?

6 JUROR NO. 43: Yes.

7 MR. HAMOUDI: And I think somebody here works for --  
8 Mr. XXXXXXXXXXXX, you work for Amazon, sir?

9 JUROR NO. 60: Yes.

10 MR. HAMOUDI: And Amazon Web Services is going to be  
11 discussed during this trial. I'm just going to ask you  
12 directly: Would you be able to serve as a juror in this case  
13 and treat the defense fairly and impartially? The company is  
14 going to be discussed fairly extensively throughout the trial.

15 JUROR NO. 60: Yes.

16 MR. HAMOUDI: Okay. And do you have any experience,  
17 Mr. XXXXXXXXXXXX, with Amazon Web Services?

18 JUROR NO. 60: AWS, we all use it every day but we  
19 just don't know it. We're not hands on with the server.

20 MR. HAMOUDI: You said "we all use it every day."  
21 What do you mean?

22 JUROR NO. 60: If you have Netflix, they're using  
23 Amazon Web Services. Most of the technology people use on the  
24 Internet is hosted by Amazon Web Services, the biggest web  
25 server.



1 MR. HAMOUDI: Okay. Thank you very much for that  
2 information.

3 Mr. XXXXXXXXXX, you talked about the The Onion Router.  
4 What is the The Onion Router?

5 JUROR NO. 51: That's one I read about in the  
6 Wikipedia articles. I'm interested in foreign networks, and I  
7 was reading about the dark web when I was in college. That was  
8 super interesting when a show called *Mr. Robot* came out. But  
9 the only way I could describe it is, it is a series of machines.  
10 They're anonymous, which I think are in a directed system,  
11 things like -- you kind of think of them as anonymous machines  
12 everywhere, and the goal of it, I think, is to route traffic  
13 between those machines in a way so that you can't know who, if  
14 you were to intercept it, like, at the other end, or see the  
15 traffic at hand on one of the servers. You wouldn't know where  
16 the source of that traffic came from. So I think it's usually a  
17 way to anonymize transactions that are happening, and it's  
18 primarily used for dark-web stuff.

19 MR. HAMOUDI: Do you use a Virtual Private Network?

20 JUROR NO. 51: At home I use one that's given to me by  
21 company.

22 MR. HAMOUDI: What are those?

23 JUROR NO. 51: A VPN is something that a company will  
24 offer to you, or you can get yourself, that all of your web  
25 traffic is actually routed through that VPN. So in a way, it

1 kind of masks the traffic in a similar way as The Onion Router,  
2 because you're going through that VPN set of servers, and then  
3 those servers are the things that are actually accessing the  
4 content that you want, so from the destination side, it will  
5 look like the traffic is coming from your VPN that's in  
6 California, even though you're in Washington State.

7 MR. HAMOUDI: That's really helpful.

8 Do you think that there are legitimate uses to anonymize  
9 your identity on the Internet?

10 JUROR NO. 51: Yeah. I work for Apple, so I strongly  
11 believe in the right to privacy. I have a personal belief that  
12 we've done -- like the U.S. or the world has done a really bad  
13 job of having legislation keep up with that. So I think private  
14 companies like Apple have done a good job of -- like, because  
15 there's not really good laws surrounding data privacy coming up  
16 with tech knowledge to protect and anonymize. For example, IP  
17 data, encrypting data is a way of anonymizing. So just having  
18 really strong security practices so that if that data is  
19 breached in some way, you're not able to relay those pieces  
20 together to identify the individual and learning everything  
21 about them, because all of our lives are on the Internet.

22 MR. HAMOUDI: A little discussion about privacy. Do  
23 people think it's difficult now to have a private life because  
24 of the Internet, and do any of you have views you'd like to  
25 share about that? No.

1 I want to thank you for your time, and I appreciate you  
2 being forthright and talking to us, and that's it.

3 THE COURT: Okay. So, Victoria, we've got the morning  
4 group downstairs. Let's send the afternoon group downstairs,  
5 too. We'll take about 20 minutes to get organized here, and  
6 then I'll have you bring everybody back up and put them in their  
7 new seats. And how far back are we going to go?

8 THE CLERK: In the courtroom?

9 THE COURT: Yes.

10 THE CLERK: Probably four rows.

11 THE COURT: Does that mean the back row should  
12 disappear?

13 THE CLERK: The back row is okay for spectators.

14 THE COURT: Okay. Thank you, all, for answering the  
15 questions. We're going to send you back to where you started  
16 the day, and then Victoria is going to come get you when we're  
17 ready to do the next phase, which will be peremptory challenges.

18 Peremptory challenges are challenges for which a reason  
19 need not be given, as long as it is not being used to eliminate  
20 from the jury a race or a gender. The court doesn't even  
21 second-guess why the lawyers are doing what they're doing. It's  
22 just a way that we make sure that the juries are selected in a  
23 manner that makes the parties feel is totally fair and  
24 impartial.

25 I'll take a look at my numbers. There are a couple of you

1 who also, I think, indicated they would like to not be here  
2 because of the job. Juror No. 39, do you still want to be  
3 excused?

4 JUROR NO. 39: Yes.

5 THE COURT: Because of your job?

6 JUROR NO. 39: Yes.

7 THE COURT: All right. I'll excuse Juror No. 39. You  
8 don't need to come back up.

9 JUROR NO. 39: Thank you.

10 THE COURT: Was there anyone else who said they wanted  
11 to leave? 51 and 59?

12 JUROR NO. 51: I've just got a Cancun trip on the  
13 27th.

14 THE COURT: We'll be done by then. And 59?

15 JUROR NO. 59: My friend is having surgery next week,  
16 and she needs someone to watch her animals.

17 THE COURT: We're going to fill the seats as they open  
18 in numerical order. We still have something like 47 jurors.  
19 The chance of it getting to the end is getting slim, and Slim  
20 just left town. We'll take 20 minutes. Please take your  
21 numbers with you.

22 THE FOLLOWING PROCEEDINGS WERE HELD  
23 OUTSIDE THE PRESENCE OF THE JURY:

24 THE COURT: Please be seated. Take your time, but be  
25 ready to go.

1 MR. HAMOUDI: Your Honor, may I ask, how do you do the  
2 peremptories?

3 THE COURT: Victoria has a sheet that has numbers; for  
4 the government, numbers one through eight, and for the defense,  
5 numbers one through 12.

6 MR. HAMOUDI: Okay. And for-causes?

7 THE COURT: Do those now.

8 MR. HAMOUDI: Okay.

9 THE COURT: And she'll go first, first, second,  
10 second, third, third. That way you see who the other side is  
11 challenging. Are you ready? Do you have some for cause?

12 MR. HAMOUDI: I do have three for cause.

13 THE COURT: Okay.

14 MR. HAMOUDI: I have a for-cause challenge for Juror  
15 No. 9 that raised difficulties about working on a case involving  
16 a transgender person.

17 I have a for-cause challenge for Juror No. 27. They said  
18 that they were positively biased towards Amazon and thought that  
19 Amazon was a peripheral party in the case, but, in fact, they're  
20 not. They're fairly an integral part of the case. And the  
21 first government witness, in fact, is Mr. Steve Schuster.

22 And then Mr. XXXXXXXXXXXXXXXX, Juror No. 42, had fairly  
23 strong beliefs about transgender persons -- ID theft. I  
24 apologize, Your Honor -- identity theft, and I think the court  
25 commented that you were inclined to --

1 THE COURT: Okay. Yeah, I get it. All right.

2 So 9, 27 and 42, I will grant the challenges on those  
3 three. It is a close call on a couple, but I think our numbers  
4 are going to be okay.

5 MR. HAMOUDI: Thank you, Your Honor.

6 THE COURT: Government, any challenges for cause? I  
7 took care of No. 39 for you.

8 MS. MANCA: We have a challenge for cause as to  
9 Juror No. 37, who has the husband who worked for Wells Fargo and  
10 talked to her about his experience with Wells Fargo, and she was  
11 not sure that she could set that aside, because he was really  
12 upset about --

13 THE COURT: Are you talking about Ms. XXXXXX?

14 MS. MANCA: Yes, Juror No. 37, Ms. XXXXX.

15 THE COURT: I don't remember that. Use a peremptory  
16 on her. I'm going to deny the challenge for cause.

17 Okay. So other than that, we're good to go?

18 MR. HAMOUDI: Yes, Your Honor.

19 THE COURT: Okay. We'll bring all the jurors back up  
20 at 25 after, and then we'll start doing the peremptories, boom  
21 boom, boom, boom, and we'll be done by four o'clock, and then  
22 we'll send you home after I give you the oral rulings on the  
23 motion in limine.

24 MR. HAMOUDI: I don't suspect, Your Honor, this may  
25 come up, but if there is a *Batson* challenge, would you like us

1 to just write it next to the peremptory and let the Court --

2 THE COURT: *Batson* challenge?

3 MR. HAMOUDI: Just being a trial lawyer, Your Honor.  
4 But I don't know.

5 THE COURT: What's the group that's being excluded?

6 MR. HAMOUDI: We don't know. There's Asian-Americans,  
7 there's...

8 THE COURT: Didn't you just challenge one of the  
9 Asian-Americans?

10 MR. HAMOUDI: I did. I didn't know that. Well, then,  
11 it should be a reverse *Batson*.

12 THE COURT: If there is a *Batson* challenge, you say,  
13 "Your Honor, I have a matter to take up outside the presence of  
14 the jury."

15 MR. HAMOUDI: Thanks.

16 THE COURT: But I thought you were going to say, you  
17 know, we're going to -- if they try to bump any techies or  
18 something, that they're a protected class, and I was going to  
19 say, no, that's not happening.

20 MS. MANCA: Your Honor, we're also looking at  
21 hardships that the Court deferred ruling on. Does the Court  
22 have an instinct on what we're going to do about those  
23 hardships, or are we leaving them, based on --

24 THE COURT: That's more of the morning crowd, right?  
25 That's a good point, Ms. Manca.

1 I think that I should let go No. 1 with the grandkids, and  
2 No. 6 with the kids and the trip, No. 14 with a hard-to-get  
3 vacation. The tough one is 10, the shop owner, and 19, the  
4 counselor. I think the counselor is probably a juror -- well, I  
5 don't know. I'm going to leave 10 and 19 on the group, because  
6 they're unique people in a lot of ways. But I'll let 1, 6, 14  
7 go, and then No. 2, she kind of went back and forth, the college  
8 student, did she want to stay or did she want to go, I'll ask  
9 her one more time.

10 Okay? Great. I'll see you all at 3:30.

11 (Court in recess 3:11 p.m. to 3:41 p.m.)

12 THE FOLLOWING PROCEEDINGS WERE HELD  
13 IN THE PRESENCE OF THE JURY POOL:

14 THE COURT: The revisiting some of our morning people,  
15 Ms. XXXXXXXXXXXX, I must have let her go, right?

16 THE CLERK: Yes, Your Honor.

17 THE COURT: And Juror No. 6, Ms. XXXXX. No. 3, you're  
18 excused, thank you. You can go.

19 MS. MANCA: Your Honor, why is Juror No. 3 excused?

20 THE COURT: He indicated he had a hardship after all,  
21 so I relieved him. He went up to Victoria later and said, "I  
22 didn't wanted to say it in open court, but I have a hardship."  
23 That's all I have to say about that. If you can't follow those  
24 instructions, I don't want you around, frankly.

25 Juror No. 2, what do you think? Do you want stay around,



1 we'll try and work it out?

2 JUROR NO. 2: (Nods.)

3 THE COURT: Great. I appreciate that.

4 Juror No. 10, do you want to stay and try and work it out,  
5 or is it too much of a hardship?

6 JUROR NO. 10: To be honest, it really is a hardship.

7 THE COURT: I know it's a hardship, but is it too much  
8 of a hardship?

9 JUROR NO. 10: Well, I have to close my business for  
10 the duration of the trial. Is that too much of a hardship? For  
11 me, it is.

12 THE COURT: If you want to go, you can go. I thought  
13 maybe you would think it was a once-in-a-lifetime experience.

14 JUROR NO. 10: I would like to leave.

15 THE COURT: Okay. You can go. Thanks for  
16 participating.

17 And Juror No. 15, Mr. XXXXXXXXXX, what do you think?

18 JUROR NO. 15: I can stay.

19 THE COURT: Yeah. You could get a peremptory  
20 challenge for either side, but we've got enough jurors that I'm  
21 comfortable letting a few of you on the margin go.

22 No. 19, my counselor, I totally understand where you're  
23 coming from, but I'm going to ask you to stay, and we'll see  
24 what happens.

25 JUROR NO. 19: Thank you, Your Honor.

1           THE COURT: Okay. We're putting 15 in the box because  
2 three of you are going to be alternates, and you don't know who  
3 you are and don't worry about it. But this process of taking  
4 peremptory challenges -- as I said, a peremptory challenge is a  
5 challenge for which a reason need not be given. And why do we  
6 do that? Because you've all been passed for cause. There are  
7 no more challenges for cause, so you all can be fair and  
8 impartial.

9           Oh, we go a step further to make sure that both sides feel  
10 the jury, not only is it fair and impartial, but even if they  
11 just thought, well, you know, it's not anything that person said  
12 but they looked kind of funny at me, or maybe I'm imagining it  
13 but I thought they were this or that, remember, this is not an  
14 audition for a part in a big Hollywood movie. It is not a  
15 referendum on whether you're a good and decent person -- you all  
16 are -- it's just a process that we go through to make sure a  
17 jury is selected and the parties feel it's been done in a fair  
18 and impartial manner.

19           Victoria is taking a sheet of paper over to the government,  
20 and they are going to fill out their first peremptory challenge.  
21 She will then pick up that piece of paper, take it to the  
22 defense table, where they will do their first peremptory  
23 challenge. And this will go on back and forth, back and forth.  
24 Eventually, they will run out of peremptory challenges, or stop  
25 challenges. And they can challenge people not just in the box

1 but on the benches.

2 The sheet of paper will be brought up to me, and I move the  
3 chess pieces around to try to end up with the 15 people who will  
4 be the jury in this case.

5 If I mess up, Victoria will correct me. But this process  
6 takes a few minutes. So we'll all kind of just sit here.

7 (Off the record 3:46 p.m. to 4:01 p.m.)

8 THE COURT: The jurors in the box, let me thank and  
9 excuse Jurors 7 and 10 and Juror No. 11.

10 Mr. Pastor, do you do weddings?

11 JUROR NO. 8: Yes.

12 THE COURT: Well, go do one, because you're excused.

13 JUROR NO. 8: Thanks, Your Honor.

14 THE COURT: And Juror No. 15, you are excused also.  
15 Thank you so much for your willingness to stay.

16 Ms. XXXXXXXXXXXXXXXX, you get to stay. Mr. XXXXXXXXX, you  
17 get to stay. Mr. XXXXXXXX, you get to stay. And Juror No. 12,  
18 Ms. XXXXXXXX, you are excused. Thank you.

19 Is that what you have among the people there?

20 Okay. So now we're going to fill chairs. This could be a  
21 little complicated.

22 Juror No. 17, do you want to come forward? Victoria will  
23 guide you to your seat.

24 And Juror No. 18, Mr. XXXXXXXX, you can follow.

25 Juror No. 21, XXXXXXXXXXX.

1 Juror No. 23.

2 Ms. XXXXXX, Juror No. 26, Mr. XXXXXXXXXXXXXXXX. That's a good  
3 German name, right? What does it mean?

4 JUROR NO. 26: Bringer of fire.

5 THE COURT: Can I just call you "Thor"?

6 And Mr. XXX, Juror No. 27 -- he's gone.

7 Ms. XXXX, No. 29 -- is she gone?

8 JUROR NO. 29: I'm here. Am I gone?

9 THE COURT: No, I think you're in the box. I think if  
10 someone made a bet, though, because I know you're a betting  
11 woman, they might have said you'd be gone. What were the odds  
12 on that? Never mind.

13 And Juror No. 30, Ms. XXXXXX, come on up.

14 Is the next one Juror No. 38, Mr. XXXXXXXXXXX?

15 THE CLERK: Correct, Your Honor.

16 THE COURT: Mr. XXXXXXXXXXX?

17 And then Mr. XXXXXXXXXXXXXXXX, Juror No. 41; XXXXXXXXXXXXXXXXXXXX,  
18 No. 43; Juror No. 54, XXXXXXXXXXXXXXXXXXXX.

19 UNIDENTIFIED JUROR: Can I say something?

20 THE COURT: Sure.

21 UNIDENTIFIED JUROR: I have a little bit of trouble  
22 hearing. I can understand you, but any time anyone talks with a  
23 mask on, I can't hear.

24 THE COURT: The witnesses will have microphones, and  
25 the lawyers will be at the podium with a microphone. So this is

1 the worst part right here.

2 Do you utilize a hearing aid at all?

3 UNIDENTIFIED JUROR: No, it's not that bad. I just  
4 can't hear them --

5 THE COURT: Yes, and with masks it's doubly hard,  
6 absolutely.

7 And the last person would be Ms. XXXXXXXXXXXXXXXX.

8 Whoa, we ended up using just about everyone. Some of you  
9 have been challenged out there. The only person that didn't get  
10 in the box or challenged is Mr. XXXXXXXXXXXX.

11 All right? Everybody got it?

12 So thank you, all, to the people out in the cheap seats.  
13 You are excused. You can return your jury badge down on the  
14 first floor, and tell them you have finished service to the  
15 United States of America. Thank you so much.

16 So Victoria will make new juror charts for tomorrow. Is it  
17 okay to wait until then? Okay.

18 So you took an oath at the beginning of the case to answer  
19 the questions. Now you have a new oath that will be read to you  
20 in a booming voice by my courtroom deputy for the trial of the  
21 case. So would you all please stand, once again, and raise your  
22 right hand and listen to the oath.

23 (The jury is sworn.)

24 THE COURT: You are now the jury that will decide this  
25 case. It's very, very important that everything you hear and

1 learn about the case happens here in the courtroom.

2 Do not go on the Internet and try to do any research on  
3 this case, don't look up any articles about the Capital One  
4 breach or anything to do with it. Everything you need to know  
5 about the case will come to you in the courtroom, and it just  
6 would not be fair for any of you to consult any outside matters.  
7 It's either going to be inaccurate, which you know the media  
8 makes mistakes all the time, or there may be other reasons why  
9 you shouldn't be exposed to this. So please, please, resist the  
10 temptation.

11 And don't even tell your loved ones, when you get home,  
12 what the case is about. If they bug you and say, "We promised  
13 we'd never have secrets from each other," just tell them, "I can  
14 tell you about this really great trial judge we have," and go  
15 ahead, Google me, and then tell them that as soon as you're  
16 finished with your service, you can bore them with every detail,  
17 but not now.

18 Tomorrow morning, again, the case will go, where we'll be  
19 in court from 9:00 to noon, with a lunch break of about an hour  
20 and 15 minutes; then 1:15 to 4:00. We take a mid-morning break  
21 and a mid-afternoon break.

22 We have a jury room over here that we put the jury in, but  
23 it's pretty cramped. One of our judges is not using her  
24 courtroom, so Victoria will take you there and show you where to  
25 go in the morning and show you where you will be on your breaks

1 so that you can socially distance more than you do in here.

2 And that's on the 14th floor, so there will be some travel  
3 time in there, but it's much safer, all the way around, and  
4 we're going to always do what keeps you safe over everything  
5 else.

6 I need to talk to the lawyers and work on a couple of  
7 things with them, but you can leave now. Victoria, will you  
8 take them to Judge Pechman's courtroom, and then show them where  
9 to go in the morning.

10 And always wear your juror ID. If you end up in the  
11 elevator with any of the prosecutors or the lawyers, that's  
12 okay; just don't talk about the case. And if they're talking  
13 about the case and they don't see you, say, "Excuse me, I'm a  
14 juror," and they'll stop right away. Okay?

15 And that applies to Ms. Thompson, too, who is out of  
16 custody, of course.

17 We will start tomorrow morning with opening statements,  
18 first from Jessica Manca for the United States, and then we're  
19 going to have opening statement from Mr. Klein on behalf of  
20 Ms. Thompson. So please be here by about 8:45 so we can get  
21 started promptly at nine o'clock.

22 Victoria, you can take the jury downstairs now.

23 THE FOLLOWING PROCEEDINGS WERE HELD  
24 OUTSIDE THE PRESENCE OF THE JURY:

25 THE COURT: Now, all the motions to seal, the motions

1 to file things late, they're granted. Not a problem there.

2 The motion in limine to exclude certain terms, I'm going to  
3 deny, for the reasons that I gave during jury selection.

4 There's no way to avoid using terms like "hack" or "cyber" this  
5 or that, but I will definitely tell the jury, "These are  
6 colloquial terms, they're not indicative of any guilt, and I'll  
7 have a written order for that.

8 The United States' motion in limine regarding excluding  
9 evidence of other security vulnerabilities, that's granted in  
10 part. But for the Computer Fraud Act, you may not use, for wire  
11 fraud, any victim negligence. So we'll get -- as we get closer  
12 to that, I'll give a specific instruction about that.

13 I'm going to deny the motion to exclude the OCC consent  
14 order. I think that's relevant, and I think it's not hearsay.

15 I'm going to grant the motion to exclude the defendant's  
16 mental health evidence, unless offered for mens rea, and you'll  
17 give me a heads-up if you're going in that area.

18 And then in regard to the note passed, that's a little bit  
19 dicey, but I'm going to deny the motion to exclude the note, but  
20 I'm going to explain it a little more in a written order, but  
21 for opening statement purposes, assume it's going to be in  
22 evidence.

23 The motion to compel the unredacted emails is denied. I  
24 trust the government to turn over what they need to turn over.

25 And the motion to quash the trial subpoena for AWS is not



1 fully briefed yet, so I'm not going to go there on that one.

2 What I want in these motions in limine, just to give you an  
3 overview, is I want people to be able to talk about this the way  
4 it happened. It was a breach of security. It was a hack, in  
5 that sense. The breach of security was used to do some  
6 cryptomining that cost people some property in terms of the use  
7 of their Amazon Web Services.

8 Ms. Thompson's defense is she didn't go anywhere that she  
9 was denied access because of mistakes done in how the firewalls  
10 were set up, et cetera, et cetera -- I'm not using all the right  
11 terms -- but I want her to have the opportunity to make that  
12 argument through cross-examination of the witnesses.

13 In regard to allowing the government experts to testify in  
14 general about white hat hacker, black hat hacker, et cetera, et  
15 cetera, I'm going to allow that to go forward, because, to me,  
16 they are like interpreters.

17 But what I don't want from the government is anyone who I  
18 let testify, in general like that, to say, "and, therefore,  
19 Ms. Thompson is not a white hat hacker," or "she is a black hat  
20 hacker."

21 It's a little bit like when the government would want to  
22 present testimony about how the drug cartels work, because it's  
23 not within the knowledge of most people, and we would allow some  
24 general testimony about burner phones, about code words, about  
25 things like that. So in that regard, I will give the government

1 leeway to put on experts to explain what these terms mean,  
2 explain, either through Capital One or through government  
3 agents, the concept of white hat hacking and how companies will  
4 pay money to have security breaches pointed out to them.

5 The ultimate bottom line here is did Ms. Thompson act with  
6 criminal intent? If she acted with criminal intent, then she's  
7 guilty. If she did not, she's not, and that's where we're going  
8 on this.

9 So for purposes of opening statement, I hope that's  
10 guidance enough for you. I will try to have written orders  
11 done.

12 Class-action settlements I'm keeping out. That is  
13 different to me than -- different to me than the sanction that  
14 was imposed, because that's over with and done. Class action is  
15 still in process, and it raises more issues than it solves.

16 So the motion in limine from the government to keep that  
17 out is granted.

18 OCC consent order denied.

19 Okay. Any questions, Mr. Friedman?

20 MR. FRIEDMAN: Your Honor, I'm not sure -- if the  
21 Court could explain a little more the ruling on the other  
22 vulnerabilities? You say it was granted in part, and I'm just  
23 trying to understand where the line is as we prepare for opening  
24 and witnesses.

25 THE COURT: I have a written order. Let me send

1 that -- can you still post it today? Just get Mr. Friedman and  
2 Mr. Hamoudi's email addresses, and we'll just send it to them,  
3 because it is a little complicated, but I'll do it right now.  
4 I'll get off the bench, review it again -- my head is kind of  
5 spinning right now.

6 MR. FRIEDMAN: That's fine, Your Honor.

7 THE COURT: Mr. Klein?

8 MR. KLEIN: One question with the testimony of the  
9 government's proposed expert John Strand. You're going to allow  
10 in terms. The government had also proposed talking about what's  
11 ethical or these ethical obligations. You're saying that's out?

12 THE COURT: Well, as it applies to Ms. Thompson, to  
13 say that she was not a white hat hacker or she was not ethical,  
14 that's out. But to describe in general what happens in the  
15 industry, that if you detect a defect and you alert a company to  
16 it and you don't attempt to monetize it or use it in any way,  
17 then you're not committing a crime, I would allow him to testify  
18 about that. But he's not tomorrow, is he?

19 MR. FRIEDMAN: No, Your Honor, next week.

20 MR. KLEIN: So we'll get a chance to review the order,  
21 and if we have an issue...

22 THE COURT: Uh-huh.

23 Who are the witnesses tomorrow?

24 MR. FRIEDMAN: Your Honor, Mr. Stephen Schuster from  
25 Amazon, Kat Valentine, Michael Fisk from Capital One, and maybe

1 one or two more.

2 THE COURT: Great. Well, it's been a long day -- yes,  
3 Mr. Klein?

4 MR. KLEIN: Sorry. You'd asked the government -- are  
5 they giving us a list for the rest of the week?

6 THE COURT: Yes.

7 MR. KLEIN: Your Honor, we thought it would speed  
8 things up for us if we could get a list of exhibits to match up  
9 with the witness. There's a lot of exhibits. Your Honor has  
10 seen it, and there is a lot.

11 THE COURT: Sure. If you have time to do it. You  
12 don't have to do it right now, but as soon as you get it done,  
13 say, "We anticipate introducing these exhibits through this  
14 witness, these exhibits through that witness."

15 Again, we're not going to hold you to it, but it might be  
16 helpful.

17 MR. FRIEDMAN: And, Your Honor, I assume the same rule  
18 will apply to the defense?

19 THE COURT: Of course it would. Sauce for the goose,  
20 yes, absolutely.

21 Can we go home now? Okay. We're adjourned.

22 (Proceedings adjourned at 4:23 p.m.)  
23  
24  
25

C E R T I F I C A T E

I, Nancy L. Bauer, CCR, RPR, Court Reporter for the United States District Court in the Western District of Washington at Seattle, do hereby certify that I was present in court during the foregoing matter and reported said proceedings stenographically.

I further certify that thereafter, I have caused said stenographic notes to be transcribed under my direction and that the foregoing pages are a true and accurate transcription to the best of my ability.

Dated this 11th day of June 2022.

/S/ Nancy L. Bauer

Nancy L. Bauer, CCR, RPR  
Official Court Reporter